

garages to be provided in a tandem configuration rather than a side by side configuration through changes to the provisions for Planned Unit Developments. In addition, each driveway is proposed to accommodate two to three cars to meet the required open parking space requirement. As part of the zoning text amendment request, the project applicant is proposing that a portion of the required open parking spaces be provided through the available on-street parking spaces. The applicant is not requesting a variance to deviate from the overall number of required parking spaces for the development. The analysis in the recirculated draft MND includes this information and concludes that the project will not result in significant environmental impacts due to inadequate parking capacity.

- HBT-4: The comment states that the project is proposing “too much cut and fill” and that the proposed conditional use permit should not be approved. Although this does not raise any specific environmental issues in the recirculated draft MND, it should be noted that the volume of cut and fill was analyzed in the Geology and Soils section of the document. Impacts were determined to be less than significant. In addition, according to the geotechnical feasibility study for the project, the project site is not in an area of shallow groundwater. Nevertheless a site-specific geotechnical investigation will be required for the project and would provide design recommendations for the project to ensure that the construction would account for all soil conditions on the site.
- HBT-5: The analysis on pages 16 and 17 of the recirculated draft MND for the project indicates that the potential impacts from the project as a result of construction on unstable soil would be less than significant. The analysis of impacts is based on the conclusions of a geotechnical feasibility study that was prepared for the project. In addition the recirculated draft MND states that the project is required to incorporate design recommendations of a required site-specific geotechnical investigation that would ensure that the construction of the project would account for all soil conditions on the site. Finally, there are no alleys proposed for the project, however, pervious surfaces would be maintained by the Homeowners’ Association.
- HBT-6: The project’s design is based on a geotechnical feasibility study, which did not identify soil issues described in the comment. In addition, the project is subject to a site-specific geotechnical subsurface investigation to further evaluate the underlying soils. Based on the investigation, the project would be required to implement the design recommendations of the soils investigation.
- HBT-7: The comment is stating opposition to the proposed project and will be forwarded to the Planning Commission for consideration. Comment acknowledged.

Gerald Chapman

- CHAP-1: The archeological report that was prepared for the project states that the archeological site CA-ORA-86 (not the project site) has been the subject of 33 prior investigations. This information is provided as contextual background information and is not provided as a basis for determining potential impacts to cultural resources. The conclusions regarding impacts to cultural resources are based on the fact that the project site was the subject of a multi-phased research design program, which included excavation of the entire project site. Subsurface deposits were recovered from the southeast corner

of the project site and no other intact deposits were discovered. Because the project site has already been excavated it is not anticipated that significant deposits would be discovered during construction of the proposed project. Nevertheless, mitigation measures are proposed in the unlikely event that resources are discovered. The analysis in the recirculated draft MND states this information and appropriately concludes less than significant impacts, with mitigation, would occur. The archeological report with the details of the research design program on the project site has been available to the public throughout the process and, as such, extension of the comment period is not necessary. It should be noted that comments from this commenter were not received during the initial comment period on draft MND No. 08-016.

CHAP-2: While peer review is not a necessary component of the environmental analysis, the peer review was completed in response to a comment from the Coastal Commission and to provide an unbiased review of the archeological report that was submitted by the project applicant. The archeological report was reviewed by three archeologists that are members of the Bolsa Chica peer review committee and were selected by the California Coastal Commission from a list compiled by the California Coastal Commission. The peer reviewers are not paid for any work they do as peer reviewers. The letter was written by Henry Koerper and reviewed and signed by the other two signers. According to the project applicant, the peer reviewers have worked with SRS in the past on projects unrelated to the Bolsa Chica area. In addition, one of the peer reviewers continues to work with SRS today. It should be mentioned that the peer review is not the basis for determining the significance of impacts to cultural resources (“approving the RDMND”), but provides further validation of the archeological report, the contents of which provide the basis of the analysis in the recirculated draft MND.

CHAP-3: The comment states that there is a “fair argument” that the proposed project will “cause significant negative impacts to the CULTURAL RESOURCES” and asserts that an EIR is required “to properly analyze impacts and provide mitigation.” However, the comment letter does not present any substantial evidence that the project would result in significant impacts nor is any new information presented that includes potentially significant impacts that were not addressed in the recirculated draft MND that would necessitate preparation of an EIR. Finally, appropriate mitigation measures are recommended that would mitigate impacts to a less than significant level.

Amigos de Bolsa Chica

ABC-1: The comment states concerns regarding nuisance and stormwater runoff impacts on wildlife. The comment states that the “explanations of how nuisance runoff is dealt with is incomplete.” However, pages 21 and 22 of the Hydrology and Water Quality section of the recirculated draft MND provide a detailed discussion of the project’s drainage concept including a description of how runoff is proposed to be treated. The open space area that is referenced refers to a large common open space area that would be landscaped similar to a park. The project does not propose a lake or a lagoon and surface retention is not proposed, therefore, vector control is not an issue.

ABC-2: The porous surface proposed for the project would capture runoff that, with impervious surface, would otherwise runoff the project site into the storm drain

system. The runoff water is directed to catch basins, which will remove debris, sediment, oil and grease from the street runoff prior to infiltration. The natural filtering ability of the soil under the porous surface will also facilitate water quality enhancement through the removal of dissolved nutrients, bacteria and sediment. The use of pervious materials is one aspect of the project's drainage concept, which is described on pages 21 and 22 of the recirculated draft MND that would limit the amount of runoff from the site to ensure that impacts would be less than significant.

- ABC-3: As discussed in the Utilities and Service Systems section on page 39 of the recirculated draft MND, existing storm drain lines are adequately sized and have sufficient capacity to serve the proposed project.
- ABC-4: The comment states that Cooper's hawks are the most tolerant of humans and that "the same thing cannot be said of the other raptors that use the ESHA." However, according to the biological resources assessment that was prepared by a qualified biologist, Cooper's Hawks are the only raptor species that have been observed in the northern ESHA (ESHA east of the project site). In addition, the biological resources assessment states that Cooper's Hawks were removed from the California Department of Fish and Game's Bird Species of Special Concern list in part because of their ability to adapt to trees and landscaping associated with residential uses. The report also states that other raptor species with the potential to occur in the ESHA are very tolerant of humans. This is not specific to Cooper's Hawks. The buffer that is referenced in the comment is regarding the Parkside project. Appropriate buffers are not constant and different buffers would be appropriate for different projects. As an example, the Parkside project, which includes the subject ESHA, was approved with a variable width buffer ranging from 297 feet to over 650 feet (a difference of over 350 feet) from the smallest to the largest buffer. The Brightwater project west of the project site also was approved with a variable width buffer. It should be noted that the buffer of the proposed project is similar to buffers that were approved for the Brightwater project and meets the minimum buffer requirements of the City's certified Local Coastal Program for development adjacent to an ESHA.
- ABC-5: The comment requests clarification of the issues outlined in the body of the letter and requests that the project be redesigned to comply with a 100 meter buffer to the ESHA. The issues have been clarified in the above responses. A 100-meter buffer has not been established as a requirement of the project. In addition, the project's buffer to the ESHA east of the project site has been evaluated by a qualified biologist and determined to be adequate from the standpoint of potential environmental impacts.

Julie Bixby

- JBIX-1: See response JBIX-4 for draft MND No. 08-016. In addition, mention of potential dedication in the Sandover MND that resulted in the dedication of the City-owned parcel does not constitute previous environmental analysis.
- JBIX-2: The primary point of the comment states the commenter's viewpoint that the proposed public benefit of enhanced coastal access is not enhancing public access such that the public is benefitting from it. The description and analysis of the proposed public benefit in various sections of the recirculated draft MND serves to disclose

environmental impacts as a result of the project and associated public benefit and does not provide discussion as to whether the proposed public benefit is sufficient to approve the project's request for a Planned Unit Development, which is the reason the public benefit is proposed. The comment is acknowledged and will be forwarded to the Planning Commission for consideration. It should be noted that while the recreation section does discuss the proposal for the improvement of the 30-foot wide parcel for enhanced coastal access furthering recreational opportunities in the area, it is not analyzed as a component of the project that is necessary to reduce impacts to a less than significant level.

- JBIX-3: The conclusions of the analysis are twofold. First, previous flushing studies indicate that raptors would be tolerant of approaching humans (i.e. – hikers, joggers, dog walkers) as close as 24 feet depending on the height of the raptors in the trees. Second, the analysis discloses that raptors are even more tolerant of stationary human activity associated with residences, which indicates that while the residences would be closer to the raptors in terms of height, the raptors would be more tolerant of residential structures and human activity within the structures.
- JBIX-4: The comment states that the “RMND is now at odds with itself (no impact from project vs. potential impact from project).” The recirculated draft MND is not “at odds with itself” since it discloses that raptors are tolerant of human activity and even more tolerant of human activity associated with residential structures. In both cases, impacts to raptors in the ESHA were determined to be less than significant. While there may be increased use of the 30-foot wide coastal access path, the nature of the use and human activity would not be different than what currently exists such that impacts from human activity would be significant and mitigation required.
- JBIX-5: The comment states that “fair argument exists that these increased disturbances could have significant negative impacts upon the adjacent ESHA, and therefore an EIR is required under CEQA.” While the comment claims that a fair argument exists, nothing in the comment letter presents substantial evidence to find that the project would result in significant impacts such that an EIR is necessary. The comment letter points out references to the City-owned parcel in a previous environmental document and takes issue with the proposed public benefit, which is proposed as part of the PUD aspect of the project and not to mitigate an environmental impact. The comment letter also requests clarification for statements made in the recirculated MND and asserts that the document is “at odds with itself” (responded to above), but does not present substantial evidence that the project would result in significant environmental impacts.

Mark Bixby

- MBIX-1: The comment states that the vegetation survey neglects to consider herbicide use on the project site. The conclusions from the biological resources assessment are based on existing site conditions and historical knowledge of the site. It should be noted that herbicide use has not killed all the vegetation on the site as the comment states as the biological resources assessment as well as the recirculated draft MND discuss several types of vegetation that exist on the site. The documents also disclose the potential for other types of vegetative species to occur on the site based on the project area.

- MBIX-2: The recirculated draft MND discloses the potential for southern Tarplant to occur on the site and recommends mitigation measures for pre-construction surveys and requires preservation on-site or, if necessary, relocation of substantial populations.
- MBIX-3: Although the project proposes perimeter fencing to deter domestic animals, the project is also required to prepare and implement a Domestic Animal Control Plan, subject to the review and approval of the City of Huntington Beach. As such, impacts would be considered less than significant.
- MBIX-4: The comment states that the impacts disclosed in the recirculated draft MND do not consider the existing use of the area and thus, cumulative impacts are not considered. However, the biological resources assessment on which the analysis in the recirculated draft MND is based upon, considers the existing conditions of the area including use of the area by hikers, walkers, cyclists, etc. The conclusions that impacts would be less than significant as a result of the project consider the potential impacts of the proposed residences in conjunction with the existing conditions.
- MBIX-5: See responses CCC-7, CCC-10 and VAN-2.
- MBIX-6: The comment states that an EIR is required because fair argument exists that the project will result in significant impacts on the ESHA east of the project site. The first two comments are related to vegetation on the project site and are not related to impacts on the ESHA. The third comment is related to domestic animals entering the ESHA. However, the potential impacts are analyzed in recirculated draft MND No. 08-016 and based on the project's design and standard code requirements for a Domestic Animal Control Plan, impacts would be less than significant. The final two comments are related to the project's proximity to the ESHA east of the project site. While the comments do present information that larger buffers were approved for another project, the buffer for the proposed project was determined to be adequate by a qualified biologist. There is no evidence presented supporting the comment that a larger buffer is required for the proposed project other than information that a larger buffer was approved for another project adjacent to the proposed project site. In addition, the proposed project meets the minimum buffer for development adjacent to an ESHA required by the HBZSO and the City's certified Local Coastal Program.

Bolsa Chica Land Trust

- BCLT-1: This comment states the opinion of the commenter on the archeological consultant that prepared the archeological resources report. Comment acknowledged.
- BCLT-2: The comment states that the peer review letter lacks serious consideration of development impacts to ORA-86. Again, this is stating the commenter's opinion. The peer review was conducted by archeologists that are members of the Bolsa Chica Peer Review Committee. The list of peer reviewers has been approved by the California Coastal Commission. It should also be noted that ORA-86 and the project site are not one in the same.
- BCLT-3: The comment raises issues with the applicant's consulting archeologist. Comment acknowledged.

- BCLT-4: The comment provides excerpts from the applicant's attorney regarding archeological sites on the Bolsa Chica Mesa. Comment acknowledged.
- BCLT-5: The comment provides excerpts from the Coastal Commission's findings for the Brightwater development, which is adjacent to the proposed project site, across Bolsa Chica Street. Comment acknowledged.
- BCLT-6: The comment includes a list of archeological resources recovered during excavation of the Brightwater project and states that the Coastal Commission was unaware of the resources when making findings for the Brightwater project. Comment acknowledged.
- BCLT-7: The comment summarizes the findings of a public records request related to the archeological sites CA-ORA-83 and CA-ORA-85. Comment acknowledged.
- BCLT-8: The comment references a communication between the Coastal Commission and the Brightwater project applicant (also the proposed project applicant) regarding non-compliance of conditions of the project regarding archeological resources. Comment acknowledged.
- BCLT-9: The comment cites another letter between the Coastal Commission and the Brightwater project applicant with respect to the above-referenced non-compliance issue. Comment acknowledged.
- BCLT-10: The comment cites an excerpt from a letter from the Coastal Commission to the City during the first comment period on draft MND No. 08-016. The comment is addressed in responses CCC-12 and CCC-13 in Responses to Comments for draft MND No 08-016.
- BCLT-11: The comment states that the project applicant "has consistently viewed the important archeological sites at Bolsa Chica as insignificant." This is stating the commenter's opinion of the project applicant. The comment also states that mitigation measures for other projects have been ignored. This is not raising any environmental issues in the recirculated draft MND. The comment states that there is a fair argument that the project will result in significant environmental impacts and an EIR is required. The comment letter does not provide any substantial evidence or raise any new information with respect to potentially significant impacts from the proposed project.

Brian Fagan

- FAG-1: The comment states that the commenter "strongly disagrees" with the conclusions of the cultural resources impacts of the recirculated draft MND. Comment acknowledged.
- FAG-2: The comment summarizes the conclusions of the recirculated draft MND. Comment acknowledged.
- FAG-3: The comment notes that human remains were found during construction grading monitoring for the Sandover project, which consisted of a portion of CA-ORA-86.

Comment acknowledged. The comment states that the peer review letter does not mention this information. The information noted would not be mentioned in the peer review letter since the peer review letter only reviewed the archeological report and conclusions for the portion of CA-ORA-86 on the proposed project site. Discoveries on the Sandover project site do not warrant discussion in the analysis or peer review of impacts to cultural resources from the proposed project.

- FAG-4: The peer reviewers are members of the Bolsa Chica Peer Review Committee and were selected by the California Coastal Commission in part due to their knowledge of the archeological history of the Bolsa Chica area. The peer reviewers are not required to conduct a site visit, but may do so at the individual's discretion if deemed necessary for their own review. It is not known if any of the reviewers visited the site as part of their review or in the past.
- FAG-5: The comment raises several questions as to the extent of the peer reviewers involvement in the process including if the reviewers inspected the excavation work. As the research design program occurred in 2001, the peer reviewers would not have been involved in the project as it relates to their work as peer reviewers. See response FAG-4 above. In addition, it is not the responsibility of the peer reviewers to determine whether to process a mitigated negative declaration for the project (certifying that a mitigated negative declaration is possible). The peer review was undertaken to provide a professional review of the archeological report that was prepared for the proposed project. It is the information in the report, specifically the research design program that occurred in 2001, that provides the basis for determining that impacts would be less than significant with mitigation. The peer review determined that the methods and conclusions discussed in the report are adequate.
- FAG-6: The peer review letter assumes "that there is no further undisturbed occupation deposit in the site" because the entire project site was the subject of a research design program that included excavation of the entire site. The May 2009 Archeological Report includes a detailed description of the 2001 research design program. Because the site was excavated it is not likely that intact deposits remain. The mitigation measures require archeological monitoring in the unlikely event that resources are discovered during grading and construction. The mitigation measures are precautionary rather than cursory as the comment states. The mitigation measures would require monitoring even though the site has already been excavated and remaining resources discovered.
- FAG-7: The comment states that "to offer a negative declaration for these archeological deposits would be an inexcusable tragedy..." and that any undisturbed deposits "should be thoroughly investigated or left intact." A negative declaration is not being "offered" by the project. A recirculated draft MND is the appropriate level of environmental review for the project because all impacts from the proposed project would be considered less than significant or less than significant with mitigation. The project site was thoroughly investigated when it was the subject of a multi-phased research design program. If there are undisturbed resources on the site, Mitigation Measure CR-1 would require the project to stop, the resources would need to be evaluated for significance and, if necessary, a research design and recovery program

would be necessary. The mitigation measure also provides for in-situ preservation of the resources.

FAG-8: The comment offers alternative mitigation for the project. The archeological report is available for review at the City. The comment also includes mitigation for complete excavation of the site. It should be noted that this has already occurred in accordance with standard accepted methodologies. The details of the excavation and the finds are included in the May 2009 Archeological Report. See response FAG-4 regarding selection of the peer reviewers.

Sandra Genis

GEN-1: See response to GEN-1 from Response to Comments for Draft MND No. 08-016.

GEN-2: See response to GEN-2 from Response to Comments for Draft MND No. 08-016

GEN-3: See response to GEN-3 from Response to Comments for Draft MND No 08-016.

GEN-4: See response to GEN-4 from Response to Comments for Draft MND No. 08-016.

GEN-5: See response for GEN-5 from Response to Comments for Draft MND No. 08-016.

GEN-6: See response for GEN-6 from Response to Comments for Draft MND No. 08-016.

GEN-7: See response for GEN-7 from Response to Comments for Draft MND No. 08-016. In addition, the recirculated draft MND discloses that impacts could occur from people and pets as well as from light, dispersal of nonnative plants and introduction of pests and feral species as indicated in the comment. However, the analysis concludes that due to the project's design as well as compliance with code requirements for development adjacent to an ESHA, the project's impacts on the ESHA would be considered less than significant.

GEN-8: See response for GEN-8 from Response to Comments for Draft MND No. 08-016.

GEN-9: See response for GEN-10 from Response to Comments for Draft MND No. 08-016. Although the details of the Domestic Animal Control Plan are not detailed in the recirculated draft MND, the purpose and intent of the plan would be include measures to ensure that impacts to the adjacent ESHA from domestic pets would be minimized as the comment is requesting. Given that a Domestic Animal Control Plan is required to minimize impacts on the ESHA, impacts from domestic animal disturbance would be less than significant.

GEN-10: The biological resources assessment that was prepared for the project indicates that existing wildlife species that may use the site include coyotes. However, given that coyotes are not designated as sensitive or special status species, potential impacts on coyotes would be less than significant from this standpoint. Inasmuch as coyotes are valued as predators for midlevel species with the potential to impact the ESHA (i.e. – cats), existing controversy regarding the issue of coyotes in urbanized areas would not be resolved through the recirculated draft MND for the proposed project. The addition

of 22 single-family units would not result in a substantial increase in calls for coyote control that would then result in significant impacts to coyotes.

GEN-11: See response for GEN-11 from Response to Comments for Draft MND No. 08-016.

GEN-12: The comment notes revisions to the recirculated draft MND to include the localized air quality emissions from the project. The comment also notes the revised emission calculations due to the use of mitigation assumptions in the URBEMIS program and implementation of Rule 403 of the SCAQMD. The comment states that the emissions reduction would only be limited to frequent watering of the site, which can reduce emissions up to 50 percent. While it should be noted that use of localized emissions thresholds is voluntary, the analysis was revised to include localized air quality emissions due to comments received during the first comment period. The revised emissions analysis indicates that the URBEMIS mitigation assumptions would reduce the PM₁₀ emissions by approximately 75 percent from the initial analysis in draft MND No. 08-016. However, even if the emissions are reduced by a maximum of 50 percent as the comment suggests, the project's PM₁₀ construction emissions would not exceed the localized significance threshold of 14 pounds per day. Therefore, localized PM₁₀ emissions would be less than significant. In addition, emissions from PM_{2.5} would be below the threshold of nine pounds per day with or without the URBEMIS mitigation and impacts would be less than significant. All source documents are available at the Planning and Building Department for review.

GEN-13: See response for GEN-13 from Response to Comments for Draft MND No. 08-016.

GEN-14: See response for GEN-14 from Response to Comments for Draft MND No. 08-016.

GEN-15: See response for GEN-15 from Response to Comments for Draft MND No. 08-016.

GEN-16: See response for GEN-16 from Response to Comments for Draft MND No. 08-016.

GEN-17: See response for GEN-17 from Response to Comments for Draft MND No. 08-016.

GEN-18: See response for GEN-18 from Response to Comments for Draft MND No. 08-016.

GEN-19: See response for GEN-19 from Response to Comments for Draft MND No. 08-016.

GEN-20: See response for GEN-20 from Response to Comments for Draft MND No. 08-016.

V. ERRATA TO RECIRCULATED DRAFT MITIGATED NEGATIVE
DECLARATION NO. 08-016

The following changes to Recirculated Draft Mitigated Negative Declaration No. 08-016 and Initial Study Checklist are as noted below. The changes to the Draft Mitigated Negative Declaration as they relate to issues contained within this errata sheet do not affect the overall conclusions of the environmental document. Revisions are below as excerpts from the Initial Study text, with a ~~line-through~~ deleted text and **bold** and double-underlined font beneath inserted text. In order to indicate the location in the Initial Study where text has been changed, the reader is referred to the page number of the Initial Study.

Page 3 – Surrounding Land Uses and Setting

North of the project site is the previously discussed undeveloped 30-foot wide City-owned parcel, which is proposed to be improved with a public access trail by the project applicant to connect to the informal, unimproved path on the Shea Homes (Shea) property to the east.

Page 12 – Land Use and Planning

The project is proposing to improve an existing undeveloped 30-foot wide parcel north of the project site with an access trail that would connect to an existing informal, unimproved path on the adjacent Shea property that would ultimately provide enhanced access to the flood control channel and the Bolsa Chica wetlands from Bolsa Chica Street.

Page 29 – Traffic/Transportation

For these 10 units, three open spaces are required, in which one of the required open spaces is proposed to be met through the available street parking. The total number of parking spaces required for the project is provided within the development site in addition to 13 additional on-street parking spaces that do not currently exist. As such, the proposed project will not result in significant impacts due to inadequate parking capacity.

Page 33 – Biological Resources

Impacts from development of the project site on surrounding habitat areas, including the adjacent eucalyptus ESHA east of the subject property, could occur from the intrusion of people and pets in the area as well as from noise, light, dispersal of nonnative plants and introduction of pests and feral species. It should be noted that these impacts already occur due to the proximity of other residential development to the habitat areas. The proposed project includes several design measures that would reduce or eliminate these impacts such as perimeter fencing to separate and deter humans and pets from disturbing the preserved habitat areas and dark sky lighting as well as restrictions on the type of exterior lighting that residents of the project can use in the future. Standard requirements of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) require a Domestic Animal Control Plan, a Pest Management

Plan and other performance standards for developments adjacent to an ESHA to minimize impacts. Other performance standards include the prohibition of lighting that would impact the ESHA and prohibition of the planting, naturalization and persistence of invasive plant species.

Page 36 – Hazards and Hazardous Materials

The project site and surrounding properties are not considered wildlands and are not located within a Very High Fire Hazard Severity Zone as mapped by the State Department of Forestry and Fire Protection. There is currently no heavy, woody vegetation on the Shea property adjacent to the project site that would constitute a “fuel load” and require fuel modification. Existing vegetation currently consists of primarily mustard and other weedy species. In addition, the proposed project includes a landscape area on the eastern sloped perimeter of the site that would be irrigated thus providing an “irrigation zone” adjacent to the homes. In addition, the City of Huntington Beach Fire Department has reviewed the proposed development and did not identify a requirement for fuel modification at the project site. Less than significant impacts would occur.

Page 42 – Aesthetics

In addition, improvement of an existing undeveloped 30-foot wide City-owned parcel north of the project site would provide enhanced public access to an informal, unimproved path on the adjacent Shea property from Bolsa Chica Street and would also preserve ~~provide~~ public views from the slope edge at the eastern point of the site.

Page 43 – Aesthetics

In addition, the adjacent slope would be preserved as a significant scenic resource and the project would preserve ~~provide for~~ public views from the project site via the proposed 30-foot wide access path.

Page 44 – Cultural Resources

CR-2: *If human remains are discovered during construction or any earth-moving activities, no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the human remains are determined to be prehistoric, the Coroner must notify the Native American Heritage Commission (NAHC), which will determine and notify a Most Likely Descendent (MLD). The MLD shall complete the inspection of the site and may recommend in-situ preservation or scientific removal and nondestructive analysis of human remains and items associated with Native American burials.*

Page 45 – Recreation

The project, as part of its public benefit, is proposing to improve an existing 30-foot wide parcel located immediately north of the project site with a landscaped trail that would enhance ~~provide~~ access from Bolsa Chica Street to an existing informal, unimproved path on the adjacent Shea property, which ultimately connects to the wetlands.

The project site has an existing General Plan Land Use designation of Open Space – Parks (OS-P), which is proposed to be amended to RL (Residential Low Density). However, the site is not developed with a park or recreational facility and is not listed on the City’s inventory of parks. The site is privately owned and, according to the Community Services Department, no such facilities are planned for the project site. Therefore, changing the open space designation would not indirectly result in more people utilizing the aforementioned open space areas because they could no longer use the project site. In addition, the potential increase in 57 new residents that would be able to utilize the Brightwater and Bolsa Chica open space areas is not substantial and would not create significant impacts to those areas as an indirect result of population growth in the vicinity.

APPENDIX A

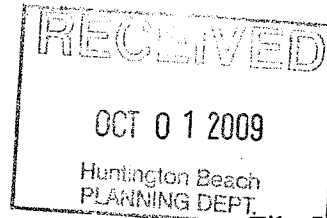
Comments on Draft MND No. 08-016
(Comment Period 9/10/09 – 10/9/09)

DEPARTMENT OF TRANSPORTATION

District 12
3337 Michelson Drive, Suite 380
Irvine, CA 92612-8894
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*Flex your power!
Be energy efficient!*



September 25, 2009

Ms. Jennifer Villaseñor
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

File: IGR/CEQA
SCH #: 2009091043
Log #: 2350
SR-1

Subject: "The Ridge" 22-unit Planned Unit Development

Dear Ms. Villaseñor:

Thank you for the opportunity to review and comment on the **Draft Mitigated Negative Declaration for "The Ridge" 22-unit Planned Unit Development project**. The proposed project involves a request to amend the land use and zoning designations on an existing approximately 5-acre parcel for the subdivision and development of a 22-unit single-family planned unit development (PUD) with a 5,776 square foot common open space area. The project site is located at the southeast corner of Bolsa Chica Street and Los Patos Avenue in the City of Huntington Beach.

The California Department of Transportation, District 12 is a commenting agency on this project, and has no comment at this time.

Please continue to keep us informed of this project and any future developments which could potentially impact State transportation facilities. If you have any questions or need to contact us, please do not hesitate to call Zhongping (John) Xu at (949) 724-2338.

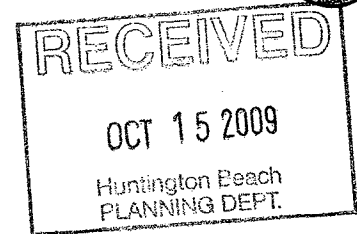
Sincerely,

CHRISTOPHER HERRE
Branch Chief, Local Development/Intergovernmental Review

c: Terry Roberts, Office of Planning and Research

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071



October 14, 2009

Jennifer Villaseñor, Associate Planner
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

Re: Mitigated Negative Declaration/Environmental Assessment No. 2008-016
"The Ridge" 22-unit Planned Unit Development

Dear Ms. Villaseñor:

Coastal Commission staff received the above referenced document on September 15, 2009. The City is in the process of soliciting comments from interested parties on Mitigated Negative Declaration (MND)/Environmental Assessment (EA) No. 2008-016 prepared for a land use designation and zone change and residential development of the subject site. The subject site is an approximately 5 acre site located at the southeast corner Bolsa Chica Street and Los Patos Avenue, in the City of Huntington Beach. In the City's certified Local Coastal Program (LCP) the site is currently land use designated Open Space - Parks and Recreation (OS-PR) and zoned Residential Agriculture - Coastal Zone Overlay (RA-CZ). The MND/EA contemplates changing the land use designation to Residential Low Density - 7 units/acre (RL - 7) and the zoning to Residential Low Density - Coastal Zone (RL - CZ) in order to accommodate a 22 unit planned residential development. Thank you for forwarding the document for Coastal Commission staff review. Commission staff appreciates the opportunity to comment early in the process. Following are our comments.

CCC-1

As noted in the MND, the land use designation and zone change contemplated for the subject site would need to be approved by the Coastal Commission via a Local Coastal Program amendment. Development of the site with the 22 unit residential development will require approval of a coastal development permit by the City. The subject site is in the appealable area of the coastal zone. Commission staff has concerns with the proposed land use designation and zone change, as described in further detail below. The most significant areas of concern are with the adequacy of the proposed land use designation and zoning to protect: 1) the higher priority Open Space Parks and Recreation use over lesser priority residential use; 2) identified and potentially present sensitive habitats and species adjacent to and in the vicinity of the subject site, and 3) archaeological/cultural resources that may be present on site.

CCC-2

Land Use and Planning

The standard of review for an amendment to the certified Land Use Plan is conformity with and adequacy to carry out the Chapter 3 policies of the Coastal Act. Section 30222 of the Coastal Act places a higher priority on coastal recreational uses than on private residential uses. In addition Coastal Act Section 30223 requires that upland areas necessary to support coastal recreational uses be reserved for such uses, where feasible. Section 30210 of the

CCC-3

ATTACHMENT NO. 9.36

Coastal Act requires that recreational opportunities be provided for all the people. The contemplated land use designation change from the higher priority Open Space – Parks and Recreation to the lower priority Residential Low Density is not consistent with the Coastal Act policies requiring protection and promotion of public recreational opportunities within the coastal zone.

CCC-3
cont'd

In addition, it is not clear from the information reviewed, but it appears that the contemplated residential development may be a private development with private streets. The City's certified Land Use Plan includes the following policy:

C 2.4.7

The streets of new residential subdivisions between the sea and the first public road shall be constructed and maintained as open to the general public for vehicular, bicycle, and pedestrian access. General public parking shall be provided on all streets throughout the entire subdivision. Private entrance gates and private streets shall be prohibited. All public entry controls (e.g. gates, gate/guard houses, guards, signage, etc.) and restrictions on use by the general public (e.g. preferential parking districts, resident-only parking periods/permits, etc.) associated with any streets or parking areas shall be prohibited.

CCC-

The subject site is located between the sea (Bolsa Chica wetlands) and the first public road (Los Patos Avenue). Thus, if the subject residential development is contemplated as a private community with private streets that would be inconsistent with the above cited policy of the certified LUP.

The overall project includes improvement of a 30 foot wide property currently owned by the City with a six foot wide meandering trail and landscaping. As this 30 foot wide property is already in public ownership, these improvements will not adequately offset the contemplated loss of five acres currently designated as Open Space Parks and Recreation.

CCC-F

The MND/EA also refers to Zoning Text Amendment No. 09-008 "to amend Chapter 210.12 – PUD [Planned Unit Development] Supplemental Standards and Provisions to allow flexibility in accommodating the total number of required parking spaces within a PUD." However, the text of the Zoning Text Amendment was not included in the information reviewed. Chapter 210.10 is part of the City's certified LCP Implementation Plan and as such changes to it would require approval of an LCP amendment. Without having the text to review, no comments are given, but we may have comments once the text is available for review.

CCC-

Biological Resources

The MND/EA recognizes the Environmentally Sensitive Habitat Area (ESHA) located on the adjacent site to the east (known as the Shea or Parkside property). In its action on the LUP amendment to incorporate that site into the City's certified Land Use Plan, the Coastal Commission found that the grove of trees commonly referred to as the Eucalyptus grove

CCC-F

constitute ESHA due to the important ecosystem functions the grove provides to a suite of raptors. In approving that LUP amendment (LUPA 1-06 Parkside), the Commission required a buffer area to ensure the biological integrity and preservation of the ESHA. In its action, the Commission approved a variable width buffer. The minimum buffer width to ensure protection of the ESHA approved by the Commission for the Shea site ranged from 297 to 650 feet from the ESHA. The MND/EA states that the subject site property boundary is 140 feet from the closest point of the ESHA, the nearest residential development is 160 feet from the ESHA, and the furthest residential development is 250 feet from the ESHA. This raises concerns with regard to whether an appropriate buffer/setback area will be accommodated at the subject site.

CCC-
Cont'd

The contemplated project includes: "The eastern portion of the site adjacent to the Shea property would be raised three to nine feet over existing elevations requiring approximately 4,200 cubic yards of cut and 10,700 cubic yards of fill. Approximately 6,500 cubic yards of fill would be needed." This earth movement adjacent to the Shea property raises concerns with regard to protection of the ESHA on the site.

CCC-

The MND/EA should also address whether the land use designation/zone change and contemplated residential development would result in allowing development where it would necessitate the need for fuel modification vegetation clearance within the Open Space Conservation area on the adjacent Shea property site. This too raises concerns with regard to protection of the ESHA on that site. Development should be set back far enough from the Open Space Conservation area to avoid the need for future vegetation clearance within the ESHA and ESHA buffer.

CCC-

The MND/EA finds that "given the 23 acres that have been designated as open space for raptor foraging habitat on the Shea property and the distance of the proposed residential lots from the ESHA coupled with the topographical separation [the subject property is on a bluff approximately 40 feet above the base of the trees in the ESHA], the impacts to the ESHA are less than significant." However, even with the preservation of 23 acres of the Shea site as Open Space Conservation area, over 26 acres that had been available for raptor foraging will be lost when the residential portion of the Shea project is implemented. The area reserved for raptor foraging on the Shea property only mitigates for the development anticipated on that site. Any impacts that occur as part of the planned "Ridge" project need to be addressed in that project without reliance on the Shea project. Also, the MND/EA does not cite a Biological Assessment upon which the conclusion that impacts to the ESHA will be less than significant is based. A Biological Assessment addressing the subject site and surrounding area must be prepared, and should include discussion of appropriate setback/buffer areas.

CCC-

The Biological Assessment should also consider whether any biological resources exist on the subject site. The Biological Assessment should consider impacts of the land use designation change/zone change and related contemplated development will have on, in addition to the subject site, the eucalyptus grove ESHA on the Shea site, the wetlands at the Shea site, the habitat open space on the Brightwater site, and on the nearby Bolsa Chica Restoration area. It is also not clear how the topographical separation protects the

CCC-

eucalyptus ESHA from impacts of the contemplated residential development when the ESHA habitat serves raptors which fly and for whom the topographic separation would not seem to be significant. This too should be addressed in the Biological Assessment. The Assessment should be prepared prior to decisions on appropriate land use at the site. In any case, such a Biological Assessment will be required at the time an LCP amendment is submitted for Commission review.

CCC-
cont

Cultural Resources

The subject site is within an area of known archaeological significance. The MND/EA states that an archaeological report was prepared by Scientific Resource Surveys (SRS), Inc. in May 2009. The May 2009 Archaeological Report includes, according to the MND/EA, discussion of the previous investigations of the archeological site. The May 2009 Archaeological Report prepared by SRS should be subject to peer review as well as review by appropriate Native American groups that are likely descendants of Native Americans that previously occupied this area. The resulting comments should be considered in the entitlement process. The land use designation, zoning, and any future development of the site should take these comments under consideration and make modifications accordingly.

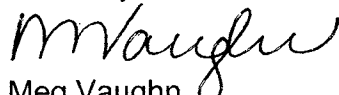
CCC

The MND/EA, in the second mitigation measure of the MND (CR-2), states that if pre-historic human remains are discovered the Most Likely Descendent shall inspect the site and "may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials." The option of preservation in place should be an option available to the Most Likely Descendent in the event prehistoric human remains are encountered. Furthermore, preservation in place should also be considered if any significant cultural resources are discovered at the site.

CC E

Again thank you for the opportunity to comment on the proposed pre-zoning and Mitigated Negative Declaration. Please contact me if you have any questions regarding these comments.

Sincerely,



Meg Vaughn
Staff Analyst

cc: Mary Beth Broeren, Planning Manager

Ridge MND 10.14.09 mv

ATTACHMENT NO. 9.39

+



CITY OF HUNTINGTON BEACH

ENVIRONMENTAL BOARD

October 9, 2009

City of Huntington Beach
Planning Department
2000 Main Street
Huntington Beach, California 92648

Attention: Ms. Jennifer Villasenor, Associate Planner

Subject: ENVIRONMENTAL ASSESSMENT NO. 08-016 (Draft Mitigated Negative Declaration - The Ridge 22-unit Planned Unit Development)

Dear Ms. Villasenor:

The full Environmental Board has not yet reviewed this EA. Comments by the 3 members assigned reflect very divergent opinions about this Environmental Assessment and the uncertain financial capacity of the developer to perform.

The Board's ad hoc committee offers the following comments and recommendations for your consideration.

EB-1

A) CHANGE IN STATUS FROM RA-CZ TO RL-CZ

Hearthside Homes is requesting that the project site currently zoned Residential Agriculture - Coastal Zone (RA-CZ) with a General Plan Land Use designation of Open Space - Parks (OS-P) be amended to Residential Low Density - Coastal Zone (RL-CZ) with a General Plan Land Use designation of Residential Low Density - 7 units/acre (RL-7). They are also requesting a variance for some of the proposed parcels that not meet the minimum standards for RL-7. Additionally, Hearthside is proposing a parking arrangement that is not allowed under Chapter 231 of the HB Zoning and Subdivision Ordinance. An amendment to the Zoning Text is being proposed to allow this parking design.

EB-2

Ordinarily, the Environmental Board would be opposed to all of these changes. However, since Hearthside proposes to make this HB's first "green" residential project (see comment B), the Board sees this as a conditionally adequate mitigation or exchange for some of these variances.

B) INCLUSION OF "GREEN" FEATURES IN PROJECT

ATTACHMENT NO. 9.40

The project already proposes to include the following "green" features and we suggest:

- Integration of solar panels into the roofing of the homes
- Utilization of permeable pavers for sections of the street and driveways
- Energy Star rated homes
- Draught-tolerant landscaping
- Storm drain system designed to capture low-volume flows and allow them to percolate into the ground

The ad hoc committee is pleased that Hearthside plans to make this a "green" residential project. It is recommended that "green" features represented by LEED be mandated as part of the project in exchange for the changes and variances requested. **Furthermore, this project should be used as an example for future proposals that seek variances, zoning changes, and/or code text amendments.** To verify that these plans are in fact accomplished with sustainable criteria is essential. Otherwise the trade off is but a failed exchange. We recommend that the project meets specified criteria under LEED Gold or Platinum and be 5% greater than the State Energy Requirements required by Title 24. We are also concerned that sufficient space be provided in the kitchens to store recyclables and to assure space for trash, recycle, and green waste carts. Tandem parking makes this problematic.

Upon successfully attaining LEED Gold or Platinum status, Hearthside should be recognized for this achievement.

C) FISCAL CONTINGENCIES

Given the uncertain fiscal capability of the developer, the City could protect itself and nearby residents from the consequences of developer bankruptcy. These issues are currently beyond our scope, but others within the City should be consulted so that we avoid Beach City problems.

We appreciate the opportunity of reviewing this project. Please contact us with any questions or concerns.

Very truly yours,
HB ENVIRONMENTAL BOARD

/s/ Bob Smith, Ph.D.

Bob Smith, Ph.D., Chairman

Cc: Huntington Beach City Council

ATTACHMENT NO. 9.41

Villasenor, Jennifer

From: Elizabeth Kenneday [kenneday@csulb.edu]
Sent: Wednesday, September 30, 2009 7:56 AM
To: Villasenor, Jennifer
Subject: Plans to build an additional 22 houses on open space at Bolsa Chica

I wish to comment on these plans very simply. Please do not allow further deterioration of this important ecological and archaeological site by Hearthside Homes. There is very little open land left, and the greed of the developers should not be allowed to destroy what little is left. There are so many existing homes available in the area that it is criminal to develop this small open parcel that is left.

KEW

Elizabeth Kenneday-Corathers, PhD.

Villasenor, Jennifer

From: anna friesen [annafriesen@mac.com]
Sent: Wednesday, September 30, 2009 10:27 AM
To: Villasenor, Jennifer
Subject: Los Patos Parkside

I read with dismay that Hearthside wants to do away with the park designation and build their "Bolsa Chica Ridge" project--22 residential units--next to the Environmentally Sensitive Habitat Area and next to the Cogged Stone site.

FRIES-1

It is time to stop the gradual erosion of open space in Huntington Beach. Open space in Huntington Beach is an asset as valuable as clean air and clean water, and is associated with the maintenance of both. Open space is an important component of what makes our city a desirable place to live and to visit. Open space is what attracted us to live here 22 years ago, and is what keeps us here.

FRIES-2

Anna Friesen

9181 Willhelm Circle
Huntington Beach CA
92646

10/22/2009

ATTACHMENT NO. 9.43

Villasenor, Jennifer

From: ed777chloe@aol.com

Sent: Wednesday, September 30, 2009 11:40 AM

To: Villasenor, Jennifer

Subject: Hearthside Homes Plans

A vehement NO on ANY construction by Hearthside Homes. NO NO NO NO!

] MIEC - 1

Chloe & Ed Mieczkowski
19556 Grandview Circle
Huntington Beach 92648-5571

10/22/2009

ATTACHMENT NO. 9.44

Villasenor, Jennifer

From: Chasse, Isabelle M [Isabelle.Chasse@uhc.com]
Sent: Thursday, October 01, 2009 7:39 AM
To: Villasenor, Jennifer
Subject: Cogged Stone Site and building

Hello. I am a resident of HB, I live on Bolsa Chica St and Los Patos. The last thing we need is to have more houses built on that small bit of road that runs from Los Patos down the where the Brightwater neighborhood beings. There are habitats already there - rabbits and birds and ground squirrels. There is a view of nature that is going to be destroyed in many ways if building is done there. Young boys have a place to ride their boards and bikes, a place they have developed over the years, a place that is safe and free, healthy activity that you just can't find anywhere else in this neighborhood.

CHAS-

I can't imagine more noise, more cars, more pollution. Where will the sewage go? Where will trash go? Is there no place that can remain wild? Must we build simply because there is an open space that can generate huge amounts of cash and tax revenue but that will be enjoyable for only the few who can afford to live there and no one else?

CHAS-2

The Brightwater development isn't even finished yet and homes are not selling as well as was expected. Why build more homes when some are sitting empty already? Besides that, the Cogged Stone Site is right next to where the building will be and I have no doubts at all that the site extends farther that we anticipate it does. It is a site that is important to the Smithsonian Institute, too, it's the only place of its kind on this continent! That should be more precious to Huntington Beach than the revenue that would be generated.

CHAS-3

Please consider not allowing building there. Once it's done, it can never be unbuilt and the ruin will be a shame and a blight on what is now natural space that is contributing to the green of our planet. Isn't it better for all concerned to keep it that way?

CHAS-

Respectfully,

Isabelle M. Chasse
Sr. Underwriting Coordinator
Cypress CA 714-226-4829

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10/22/2009

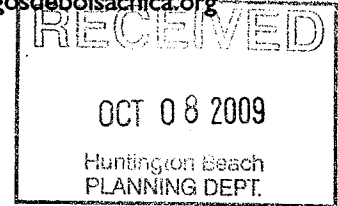
ATTACHMENT NO. 9.45



Amigos de Bolsa Chica

P.O. Box 1563 Huntington Beach, CA 92647

Phone / Fax 714 840 1575 info@amigosdebolsachica.org www.amigosdebolsachica.org



October 6, 2009

Jennifer Villaseñor, Associate Planner
City of Huntington Beach
Planning Department
2000 Main St
Huntington Beach, CA 90048

Subject: Comments on Draft Mitigated Negative Declaration 08-016 (The Ridge)

Thank you for the opportunity of submitting comments regarding the above DMND.

We are deeply concerned that the development of a parcel that is within an area that is known for its critical biological importance be passed off with a mere negative declaration.] ABC - 1

We are primarily concerned that the eucalyptus ESHA immediately east of the development is not afforded a sufficient buffer. As shown in the developer's Tentative Tract Map, the distance from the ESHA to the nearest Ridge property line is 150 feet. Based on advise from Coastal Commission technical staff, setbacks on the east side of the ESHA, on the Shea development, were set at a minimum of 270 feet. The developer of the Ridge project claims that because the residences are on pads that are about 40 feet higher than the base of the ESHA, a "topological separation" affords added buffer. It seems to us that if houses are near eye level with roosting birds (raptors, in this case), it would cause greater negative impact on the birds than if the houses were below the bird's lines of sight. Such a critical question can only be answered by a thorough expert review of the developer's claims that would come from a full environmental impact statement.] ABC -

In addition, we are astonished that the developer is claiming streets and driveways as credit for open space. Open space requirements are intended to afford residents areas "accessible for outdoor living, recreation, pedestrian access or landscaping" (HB Zoning Code Chapter 302), something that streets and driveways hardly provide.] ABC -

In summary, the developer of The Ridge claims mitigation measures to protect an ESHA that can only be validated by a full investigation through an Environmental Impact Statement.] ABC - 4

Thank you for your consideration.

Sincerely,

David Carlberg, President

ATTACHMENT NO. 9.46

Villasenor, Jennifer

From: lizwhyte1@msn.com
Sent: Thursday, October 01, 2009 8:48 AM
To: Villasenor, Jennifer
Subject: 22 more homes

Re Hearthside:

I am sure my comment will not count for anything but I am going to leave it anyway.

I am outraged that we are considering carving up more wetland space for Hearthside. They cannot sell the homes they have already built. Meanwhile all the wildlife has to roam our neighborhood looking for space to live in. We have squirrels swimming in our pool and digging up our gardens and rats eating our vegetables. I meet coyotes on my morning walk! Don't you think the environment has taken enough punishment, not to mention the ruination of an extremely important archaeological site.

WHYTE -

Liz Whyte

10/22/2009

ATTACHMENT NO. 9.47

Villasenor, Jennifer

From: PARS11@aol.com
Sent: Thursday, October 01, 2009 6:24 PM
To: Villasenor, Jennifer
Subject: Bolsa Chica Ridge

I am writing to protest the building of another 22 homes, or any homes at all, on the remaining Bolsa Chica area. That this company would choose to build near the Cog Site is an abomination. They just never give up. 22 homes, at or near a sacred site, thousands of years old is a travesty. The developer's greed must be met with firm resolution to preserve this entire area.

Merle Moshiri
8802 Dorsett Dr.
Huntington Beach, CA 92646
714-536-2017

} MOSH-

10/22/2009

ATTACHMENT NO. 9.48

Villasenor, Jennifer

From: Karna Bramble [karna.bramble@gmail.com]
Sent: Friday, October 02, 2009 9:52 AM
To: Villasenor, Jennifer
Subject: Bolsa Chica Ridge project

Dear Ms. Villasenor

I am writing as a member of the Bolsa Chica Land Trust to request that you deny the Bolsa Chica Ridge project. I do not believe this is an appropriate project for the area as the few houses that will be built will only benefit a few while the greater good of the area will be lost. Is it not better when we have the chance to protect areas not yet developed? There are always places to build homes, but once built the use of that land is lost forever. We need the open spaces for its environmental impact as well as the opportunity it offers for our children and wildlife.

Again, I request that this project be denied.

Sincerely,

Karna Bramble
Member, BCLT
291 Covina Ave
Long Beach, CA 90803

BRAM

10/22/2009

ATTACHMENT NO. 9.49

Villasenor, Jennifer

From: Barbara Rose [rosehb@verizon.net]
Sent: Saturday, October 03, 2009 12:15 PM
To: Villasenor, Jennifer
Subject: Hearthside development

Gentleman or Gentlewoman,

I am a resident of HB for over 30 years and have watched while developers have systematically covered over acres and acres of open lands. The long fight to preserve the Wedlands seemed to finally be over, but now Hearthside wants to build more huge homes near very sensitive areas. PLEASE stop the building....ENOUGH already. If we cannot preserve this area now, it will be lost forever. I urge you to do all that is possible to defeat this latest project.

ROSE -

Thank you.

Barbara Rose
17281 Blue Fox Circle
Huntington Beach, CA. 92647
(714) 842-7049

10/22/2009

ATTACHMENT NO. 9.50

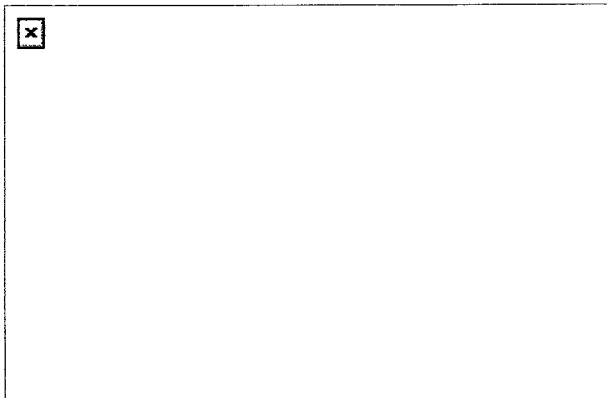
Villasenor, Jennifer

From: Rita Agustines [jjagust@mac.com]
Sent: Sunday, October 04, 2009 11:23 PM
To: Villasenor, Jennifer
Subject: Los Patos Parksit

Dear Jennifer Villasenor:

I have been a resident of Huntington Beach for 35 years. I am opposed to further development encroaching on the Bolsa Chica Wetlands. This Hearthsides Homes project to build another 22 homes on a 5 acre parcel certified "Open Space Park" by the Coastal Commission will have a negative impact on the Wetlands and the wildlife of the Bolsa Chica. We are opposed to this development in the Environmentally Sensitive Habitat Area and next to the Cogged Stone site! Please do not approve this project. This parcel should remain open space park. We are very fortunate to have the Bolsa Chica Wetlands. The residents of Huntington Beach and surrounding communities benefit from this special area. People from all walks of life visit the Wetlands including school children, senior citizens, and handicapped and severely handicapped people. As a community it is our responsibility to protect this special area.

AGUS -



This is a least tern-endangered species- one of many birds at the Bolsa Chica Wetlands. We need to protect their home, and not allow further development. Building 22 homes in a certified open space park will not make the developer very much money and it will not add to the quality of life in Huntington Beach. Allowing this 5 acre open-space park parcel to be developed has the potential to bring harm to the Bolsa Chica Wetlands, and destroy the homes of many rare birds who inhabit the area. We must protect this area for all future generations.

AGUS.

Sincerely,

Rita Agustines
16801 Coral Cay Lane
Huntington Beach, CA 92649

October 4, 2009

10/22/2009

ATTACHMENT NO. 9.51

Villasenor, Jennifer

From: Jody Graham [jgraham@socal.rr.com]
Sent: Wednesday, October 07, 2009 3:15 PM
To: Villasenor, Jennifer
Subject: Hearthside plans

Greetings,

I am a Huntington Beach resident writing in opposition to the Hearthside plans to build 22 houses in an area designated for open spaces and adjacent to both an environmentally sensitive habitat area and a site that should be preserved for historic reasons. I am also opposed to the additional traffic and infrastructure burdens this project will introduce. Please reject their proposal.

GRAH

Thank you,
Jody Graham
Huntington Beach

10/22/2009

ATTACHMENT NO. 9.52

October 7, 2009

City of Huntington Beach
Planning Department
ATTN: Jennifer Villaseñor
2000 Main St.
Huntington Beach, CA 92648

Re: "The Ridge" Environmental Assessment No. 08-016

Dear Ms. Villaseñor,

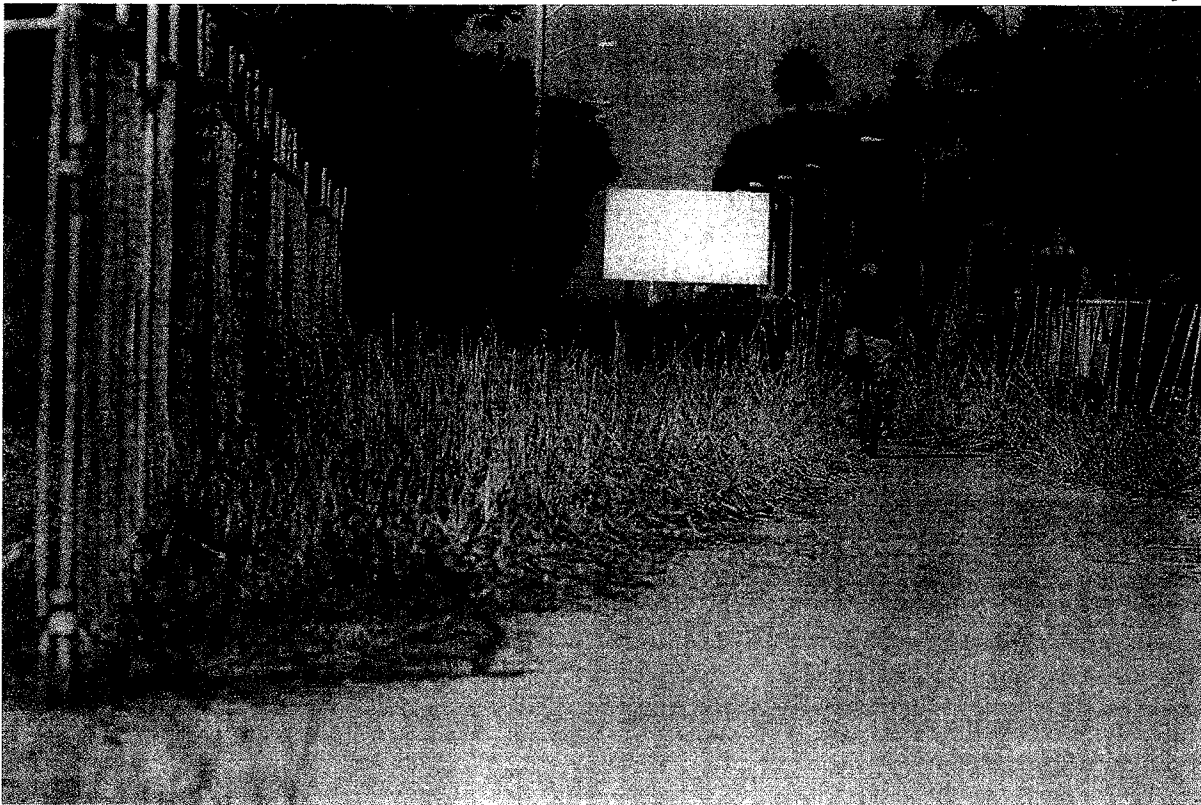
I am writing to express the following concerns with "The Ridge" Environmental Assessment No. 08-016.

No Public Benefit from City-owned Strip Improvement

The EA claims a "public benefit" from improvement of the adjacent 30-foot wide City-owned parcel, asserting that it will improve coastal access opportunities. That city parcel is already heavily used by hikers, bikers, and others for coastal access to the unimproved informal trails of the Shea property, and improvement as part of The Ridge will do nothing to increase the level of access. Therefore it is inaccurate of the EA to claim a public access benefit.

MBIX-1

Here is a photo showing typical hiker/biker access via the unimproved city parcel:



ATTACHMENT NO. 9.53

Drainage Alterations will Impact the Shea AP/EPA Wetlands

Development of "The Ridge" will reduce surface sheet flows of stormwater into the nearby Shea AP/EPA wetlands. The attached Exponent drainage study was submitted by Shea as part of the November 2007 CCC Parkside LCPA hearing and shows that a sizable portion of "The Ridge" is part of the drainage area that drains into the AP/EPA wetlands.

Shea maintained and the CCC concurred that the AP/EPA wetlands are the result of stormwater surface sheet flows rather than groundwater. Thus, development of "The Ridge" will redirect a portion of these sheet flows via infiltration and a storm drain, which will cause significant negative impacts to the AP/EPA wetlands.

Insufficient Setback from Shea Eucalyptus ESHA

The EA states that the closest residential lot is 160 feet from the ESHA. However, the CCC-approved Parkside LCPA requires a much greater ESHA setback for the Parkside development:

"A minimum buffer width of 297 to 650 feet shall be established between all residential development or active park use and raptor habitat within the eucalyptus groves."

The Ridge should be held to the same 297-foot setback standard as Shea Parkside. The EA is flawed in using tree-top height relative to pad height as justification for less than significant impact upon the ESHA. The EA neglects to mention that the Shea property slopes gently downward from the eastern edge of The Ridge down to the base of the eucalyptus ESHA. Thus while the tree-top heights may only be a few feet taller than the pad heights, because of the slope of the terrain, raptors perching or nesting well below tree-top height will still have an unimpeded view of The Ridge and be exposed to associated noise, lighting, and other visual impacts not considered by the EA. This will result in significant negative impacts to raptor usage of the eucalyptus ESHA.

EIR Required

Given the significant negative impacts to the wetlands and ESHA of the adjacent Shea property, an EIR should be required for "The Ridge", and the project should be redesigned to mitigate these impacts to less than significant.

Sincerely,

Mark D. Bixby

Mark D. Bixby
17451 Hillgate Ln
Huntington Beach, CA 92649-4707
714-625-0876
mark@bixby.org

Attachments:

Exponent drainage study

ATTACHMENT NO. 9.54

ATTACHMENT TO BIXBY COMMENT LETTER

Exponent

Failure Analysis Associates®

Technical Memorandum

Water Availability Estimates for the EPA Area at the Shea Homes Property

Prepared for

Mr. Ron Metzler
Shea Homes
603 South Valencia Avenue
Brea, CA 92823

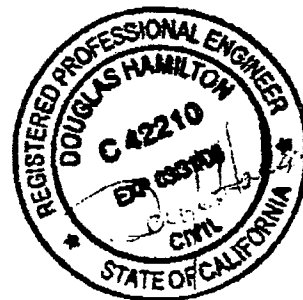
Prepared by

Doug Hamilton
Exponent
320 Goddard, Suite 200
Irvine, CA 92618

October 5, 2007

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Doc No. NB10244.006 A0T0 0907 TTC1



ATTACHMENT NO. 9.55

Executive Summary

The analysis presented herein is a water balance created to calculate the maximum amount of water that is available on an annual basis to an approximately 8-acre area at the northwest corner of the Shea Homes property, formerly delineated by the EPA as a wetland. The objective of this water balance is to use available data (e.g., rainfall records, soils and land use information, and water demand of wetland plants) for the 8-acre area to create an accounting system that tracks the rainfall, infiltration losses, and contributing runoff to quantify the maximum amount of water that is available to wetland plants. If the long-term maximum amount of available water based on rainfall, infiltration losses, and runoff is less than the amount of water necessary for wetland plants to survive, then the area does not have sufficient water to support a wetland. More complex analyses that consider factors such as estimates for evaporation (over ponded locations), and transpiration (release of water vapor from vegetation) are excluded. This makes the water availability calculations presented in this report conservative over-estimates of the actual amount of water available for assessment of wetland viability.

Financial Accounting Analogy to Hydrologic Water Balance

The hydrologic water balance presented in this memorandum can be compared to a financial accounting system, similar to a standard checking account. Income or deposits to an account are similar to the inflow of rain and runoff over a watershed area. Expenses or withdrawals from an account are similar to the infiltration losses (absorption of water by soil) and other watershed losses experienced on the natural landscape. When one balances an account, determining the difference between deposits and withdrawals, the total remaining in the account is analogous to the maximum water availability in the watershed. Periods of high income and/or low expenses correspond to high savings; whereas periods of low income and/or high expenses correspond to lower savings. Similarly, periods of high amounts of rainfall generally correspond to periods when the water availability is greatest in a watershed, and periods of low rainfall correspond to periods when the water availability is lower. To be fiscally conservative, one would want to

keep expenses both realistic and proportional to one's income in order to maximize one's savings. As such, in this water balance, conservatively low infiltration loss rates are selected based on published values, and losses are taken to be proportional to the rainfall totals recorded to estimate the maximum possible water availability.

Summary of Results of Water Balance

The results from all drainage area conditions indicate that while there are occasional years when the water availability estimates exceed the threshold value of 24.6 inches (the minimum water demand for wetland plants), in the majority of years this is not the case. The percentage of years when the water availability estimates are less than 24.6 inches ranges from a low of 72.3 percent to a high of 91.5 percent for the various drainage area conditions. Table 1 provides a summary of the results.

Table 1. Summary of water availability estimates.

Watershed Condition	Median Water Availability in	Years with Available Water Greater Than or Equal to 24.6 inches	Years with Available Water Less Than 24.6 inches	Maximum Water Available for this Watershed Condition in	Minimum Water Available for this Watershed Condition in
1970	13.86	14.9%	85.1%	35.09	4.10
1980	14.23	17.0%	83.0%	36.02	4.20
1980a	18.80	27.7%	72.3%	47.60	5.56
1997	11.60	8.5%	91.5%	29.37	3.43
2005	14.07	17.0%	83.0%	35.62	4.16

Water Availability Estimates for the EPA Area at the Shea Homes Property

Introduction

Exponent was requested to revisit the October 2006 studies of the annual availability of water to potential ponding areas located at the Shea Homes property. The objectives of the current work include using daily precipitation data for a 47-year period of record, as opposed to a 29-year subset, evaluating the relevancy of incorporating evapotranspiration losses in the calculation of water availability, considering the 8-acre EPA area paired with four different corresponding contributing watershed areas, and analyzing one scenario with the 8-acre EPA area paired with watershed areas with different loss rates. Ultimately, the goal of this work is to determine the median water availability estimates at the 8-acre potential ponding area for each of the five drainage area scenarios.

Previous Work

In October 2006, Exponent presented annual water availability estimates for three conditions at the Shea Homes site: WP Post-2005¹, WP Pre-2005², and CP Pre-2005³. Each condition had a unique pairing of direct and contributing watershed areas, summarized in Table 2. A schematic illustrating the types of areas and values included in the annual water availability estimates is presented in Figure 1.

¹ "Water Availability Estimate for WP Post-2005 Area", Exponent Technical Memorandum, D. Hamilton, October 31, 2006.

² "Water Availability Estimate for WP Pre-2005 Area", Exponent Technical Memorandum, D. Hamilton, October 31, 2006.

³ "Water Availability Estimate for CP Pre-2005 Area", Exponent Technical Memorandum, D. Hamilton, October 31, 2006.

Table 2. Summary of direct and contributing watershed areas.

Condition	Direct Area Acres	Contributing Watershed Area acres
WP Post-2005	0.97	1.57
WP Pre-2005	0.97	2.67
CP Pre-2005	1.00	8.23

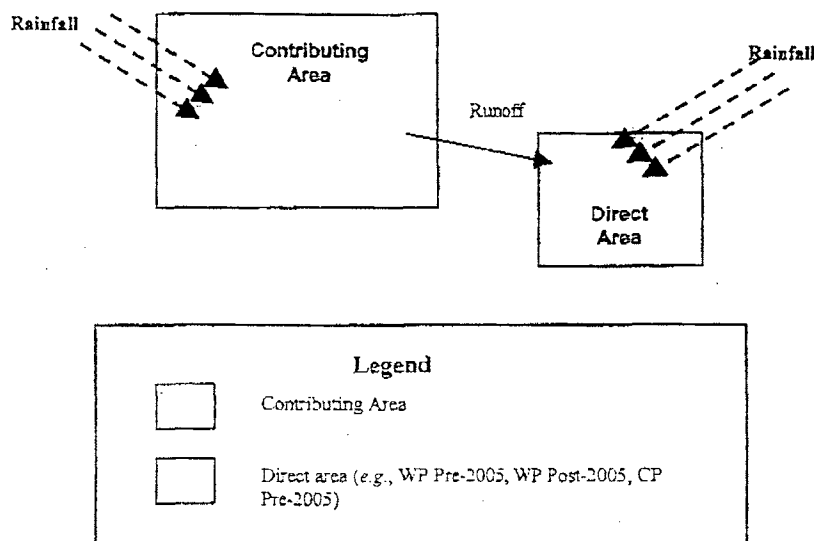


Figure 1. Schematic of areas and input included in October 2006 Exponent water availability estimates.

Hourly rainfall data from the Long Beach Daugherty Gage from 1977 to 2005 (29-year period of record) and a loss rate of 0.2 inches/hour (conservatively selected for Soil Group D) published in the Orange County Hydrology Manual were used to calculate the water availability for these conditions. Figure 2 shows the annual rainfall depths recorded at the Daugherty Gage.

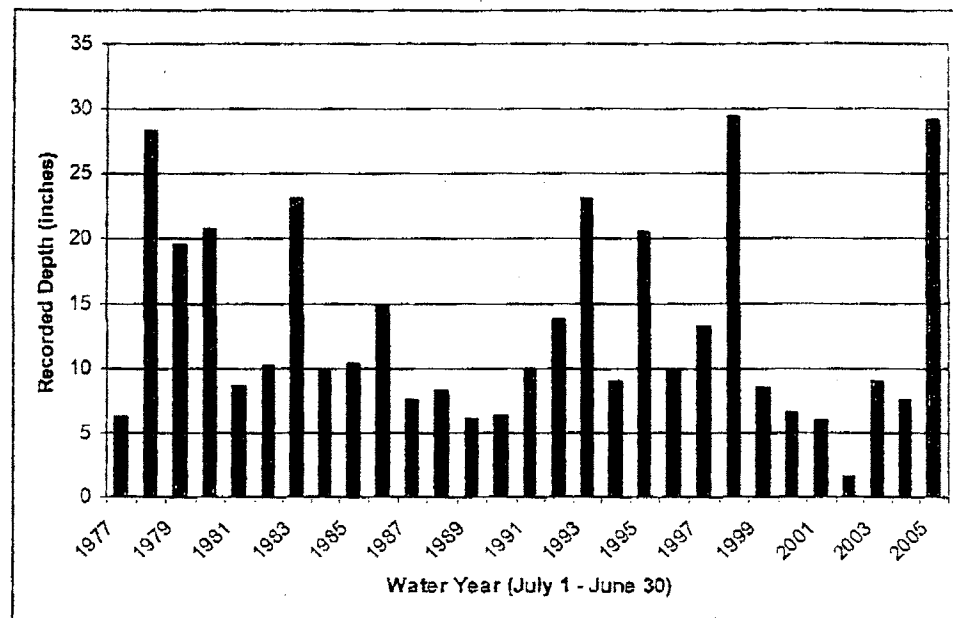


Figure 2. Total annual rainfall at Long Beach Daugherty Gage.

The total amount of water available to the direct area was determined by adding the volume of rainfall that fell on the direct area to the volume of water that flowed as runoff from the contributing watershed area to the direct area. The annual available water was calculated using the growing season definition of a water year beginning July 1 of the previous year and ending June 30 of the designated year. For example, the 2005 water year begins July 1, 2004 and ends June 30, 2005.

A summary of the results of this study can be found in Table 3. These results illustrated the variability in water availability based on the measurements for the direct and contributing watershed areas. Overall, the median annual available water estimates ranged from 11.53 inches to 20.81 inches. Importantly, the average rainfall loss incurred over the period of record was approximately 87 percent. This loss varied from about 80 percent to about 97 percent for 28 out of 29 years. The exception was 63.9 percent in 1978. The spread of the loss is fairly narrow, and the mean (86.8 percent) and median (87.2 percent) are very close together. Because

the variability across years is very small, the use of a single average value is appropriate. This observation was applied to the current analysis, assuming that for most years, the average rainfall loss values would be close to 87 percent.

Table 3. Summary of results from October 2006 Exponent Water Availability Estimates.

Condition	Median in	Maximum in	Year of Maximum	Minimum in	Year of Minimum
WP Post-2005	11.53	44.81	1978	1.89	2002
WP Pre-2005	13.25	56.40	1978	2.12	2002
CP Pre-2005	20.81	112.38	1978	3.22	2002

Using the wetland plant water needs in the Glenn Lukos Associates October 2006 memorandum⁴ to Coastal Commission staff, the minimum available water required of wetland vegetation was 24.6 inches per year, based on the annual wetland plant species with the lowest water demands. Perennial wetland species require about twice as much water, or more, per year. These results indicated that wetland species would not be supported based on the surface water availability estimates, in the majority of years.

Current Analysis

As in the October 2006 analysis, the total amount of water available to the potential wetland area (analogous to the direct area in the previous study) is calculated by adding the volume of rainfall over the potential ponding area to the volume of water that flows as runoff from the contributing watershed area to the potential ponding area. The important differences between the previous and current studies relate to the precipitation and loss data available and the defined potential ponding area and contributing watershed areas.

⁴ "Water Balance/Budget for WP and CP and Evaluation of Vegetation in WP and AP using Prevalence Index", Glen Lukos Associates memorandum to Dr. J. Dixon, and M. Vaughn, T. Bomkamp, October 31, 2006.

Precipitation Data

In the current analysis, a key objective is to expand the climatic period of record considered in order to obtain a broader understanding of the conditions at the potential ponding site over a longer time period. In doing so, daily rainfall data from the Orange County Los Alamitos Gage record for 1959 to 2005 is used. Figure 3 shows the annual rainfall depths recorded at the Los Alamitos Gage.

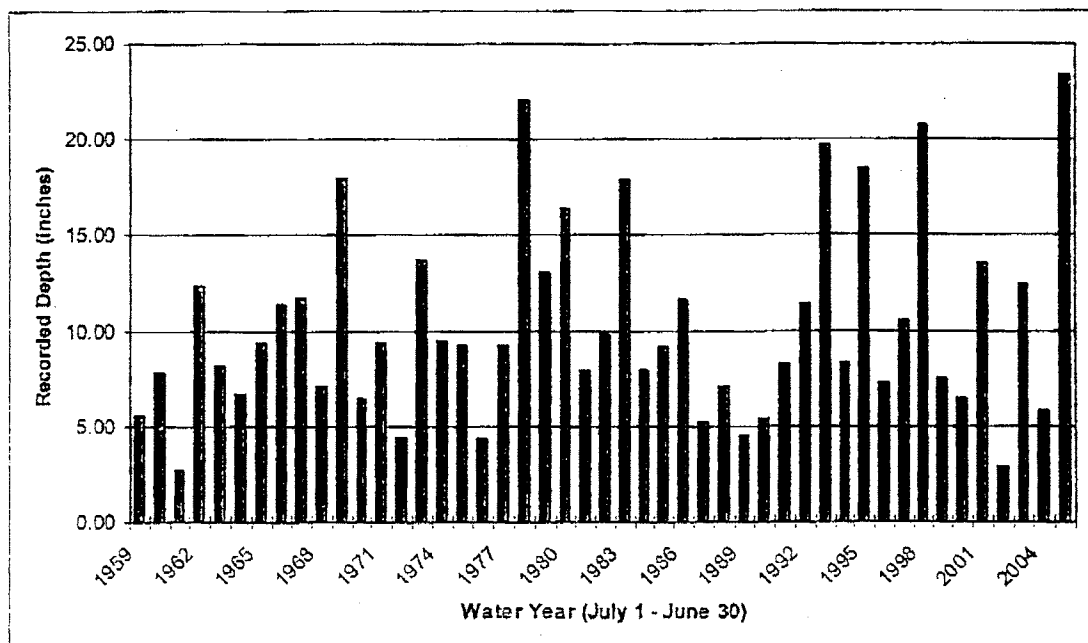


Figure 3. Total annual rainfall at Orange County Los Alamitos Gage.

Comparing the time period when the Long Beach (hourly, summed to daily) and Orange County (daily) precipitation gage records overlap, the recorded depths at the Long Beach gage are generally slightly higher than those at the Orange County gage. The Long Beach gage recorded depth is less than that recorded at the Orange County gage for only four of the years when the gage records overlap. In general, however, the magnitudes of the recorded values are similar. Figure 4 presents a comparison of the annual precipitation totals at each of the gages.

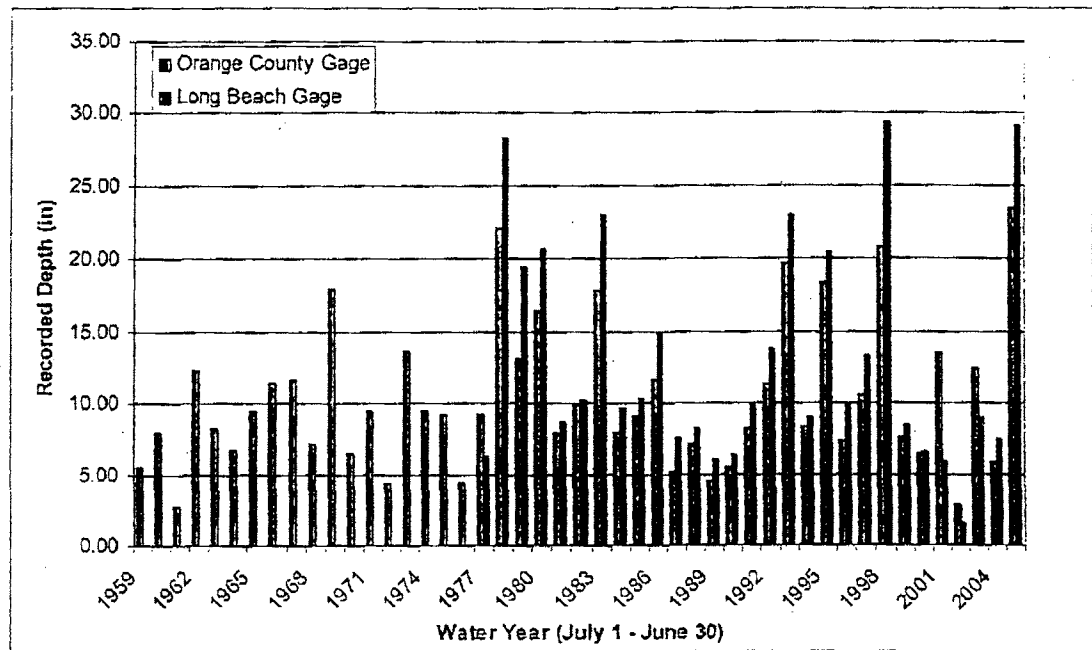


Figure 4. Comparison of recorded precipitation depths at Long Beach Daugherty and Orange County Los Alamitos gages.

Infiltration Losses

To account for infiltration losses, it was not possible to directly incorporate the hourly loss rate published in the Orange County Hydrology Manual since the available data from the Los Alamitos Gage is recorded daily. Therefore, the results from the previous work with hourly rainfall data from Long Beach were consulted. The calculations from the October 2006 study indicate that over the 29-year period of record, approximately 87 percent of rainfall is lost as infiltration.

Since the climatic conditions at both gages are not decidedly different, as evidenced by the similarity in the magnitudes of the recorded precipitation values and the geographic proximity of the gages, it is expected that the intensities of the storm events would generally be similar at both locales. The intensity of a given storm event contributes to the amount of infiltration losses. To maintain consistency with the Long Beach work and to objectively apply losses to

the daily data, an 87 percent average rainfall loss was applied to calculate the excess water available for runoff from all of the contributing watershed areas for the 1970, 1980, 1997, and 2005 drainage area conditions.

The 1980 drainage area condition is of particular interest because the extent of potential wetlands were based on the 1980 topography, in conjunction with two aerial photographs from March 1982, analyzed by Thomas Bilhorn⁵. An alternate evaluation of the runoff conditions is considered for the 1980 drainage areas and is referred to as the 1980a scenario. In this case, because of the possibility that runoff from the 22-acre Cabo del Mar area could have been higher due to the modifications in soil conditions resulting from construction occurring at the site, two different loss rates are applied to the contributing watershed areas. An 87 percent average loss, based on a 0.2 inch/hour loss rate, is applied to the tributary area, and a 69 percent average loss is applied to the Cabo del Mar diversion. This new loss rate is determined by conservatively assuming a 0.1 inch/hour loss rate for storm events recorded at the Long Beach precipitation gage. (This assumes a loss rate that is 50 percent lower than estimated for Soil Group D in the Orange County Hydrology Manual.) Over the period of record at the Long Beach gage, the average loss is approximately 69 percent.

Potential Evaporation

It should be noted that incorporating potential evapotranspiration losses in this water balance was also considered; however, it was not included in this analysis. Evapotranspiration is a process by which water (in liquid or solid phase) stored on the land surface – in open bodies of water, plant leaves, exposed soil, *etc.* is converted to water vapor. It is a complicated value to estimate, dependent on many factors including wind, vapor pressure, relative humidity, solar radiation, air temperature, and water availability. Thus, it is difficult to accurately account for and incorporate such losses in a simple water balance model with readily available data. In any

⁵ "Agricultural Area Delineation, Bolsa Chica, Orange County, California", Prepared for the Signal Bolsa Corporation, T. W. Bilhorn, 1987.

case, including evapotranspiration losses would serve to further reduce the water available to the potential ponding area. Therefore, the water availability estimates presented here are conservative estimates of the annual maximum water availability.

Analysis

Once the annual water availability estimates were calculated for each drainage area scenario, the median water availability was determined. The median value corresponds to the 50th percentile of water availability estimates. At the median of a population of values, one half of the values are greater than the median value and the second half of the values are less than the median.

Wetland delineation authorities, including the California Coastal Commission, have stated that any wetland criterion must be exhibited in an area in the majority of years. For the particular criterion of water availability, the test is water availability of 24.6 inches or more in a majority of years for the most drought tolerant annual wetland indicator species with an indicator status of Facultative (FAC) or wetter. In this study, this criterion is evaluated with the median water availability, defined to be the value such that half of the years considered would have a water availability estimate greater than the median, and half of the years considered would have a water availability estimate less than the median. If the median value is greater than 24.6 inches, more than half of the years would have a water availability of 24.6 inches or more; conversely, if the median is less than 24.6 inches, less than half of the years would have a water availability of 24.6 inches or more. Thus the median water availability measures whether favorable conditions would exist for the most drought tolerant wetland indicator species to be sustained in a majority of years. To meet the threshold water availability value required for wetland vegetation to grow in a majority of years, the median water availability must be greater than 24.6 inches.

Water Availability Estimates

In this analysis, five different drainage scenarios are considered. Four of the scenarios (for 1970, 1980, 1997, and 2005) are evaluated based on drainage area maps prepared by Hunsaker

and Associates for the Shea Homes property, delineating various drainages at the site based on land use conditions from those years. In these scenarios an 87 percent average rainfall loss is applied to all of the contributing drainage areas. A fifth scenario, labeled as 1980a, assumes different average rainfall losses for two different soil conditions at the tributary and off-site drainage areas, as previously described. In all five scenarios, an 8-acre potential ponding area coupled with different contributing watershed areas are studied. The drainage area maps are shown as Figures 5 through 9. Using the areas shown on these plans and a nominal 8-acre potential ponding area, the watershed area contributing runoff to the potential ponding area for each map is calculated. Also included in the calculations, but not shown on the maps of the contributing watershed areas for 1970, 1980, 1997, and 2005, are the temporary contributions of runoff diverted from the Harbor Bluffs alone (5 acres) and the Harbor Bluffs plus Cabo del Mar (22 acres) off-site areas. These temporary diversions were 5 acres under the 1970 drainage area condition and 22 acres under the 1980 drainage area condition. The latter scenario is investigated as 1980a. A general schematic illustrating the relationships among the areas used in the calculation of the water availability estimates is shown in Figure 10.

Additionally, for each of the five scenarios, an estimated tributary watershed area was calculated that would generate a median water availability of 24.6 inches of rainfall based on the total areas determined from the Hunsaker and Associates drainage area maps. A summary of the areas used for each scenario is shown in Table 4.

Table 4. Area summaries for four scenarios evaluated using Los Alamitos Gage data.

Condition	Total Area Acres	Contributing Watershed Areas		Direct Area acres
		Tributary Area Acres	Off-Site Area acres	
1970	38.77	25.77	5.00	8.00
1980	41.23	11.23	22.00	8.00
1997	23.74	15.74	0.00	8.00
2005	40.17	32.17	0.00	8.00

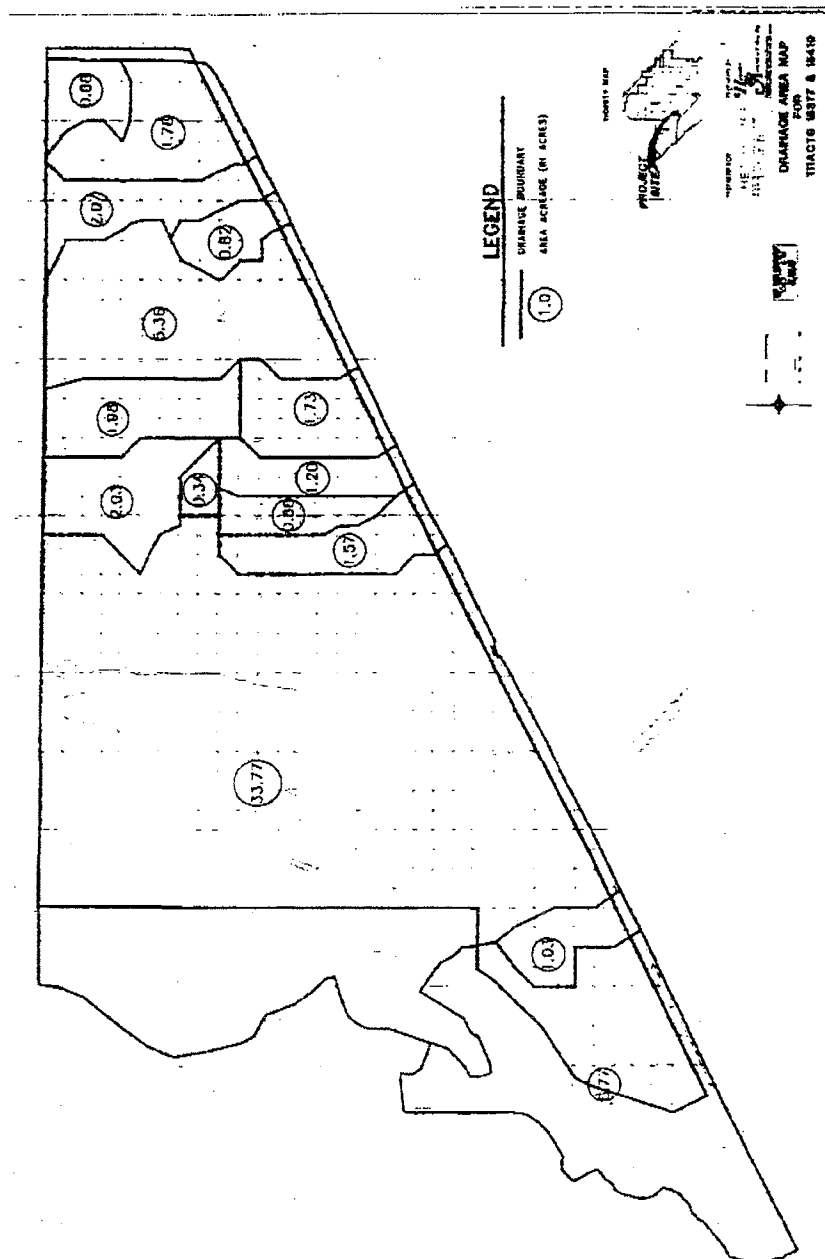


Figure 5. 1970 Hunsaker and Associates drainage area map. Total drainage area: 33.77 acres plus 5-acre diversion from north (not illustrated) = 38.77 acres.

Technical Memorandum
October 5, 2007

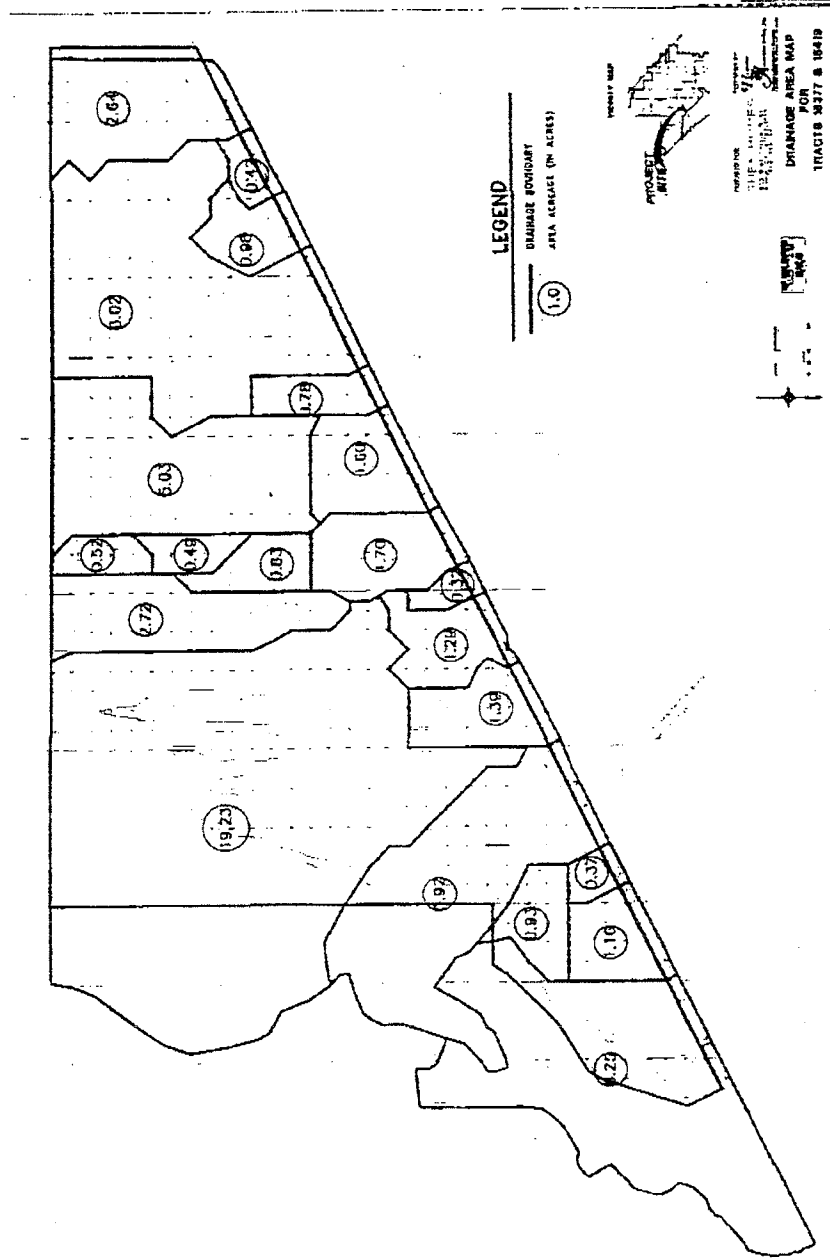


Figure 6. 1980 Hunsaker and Associates drainage area map. Total drainage area: 19.23 acres plus 22-acre diversion from north (not illustrated) = 41.23 acres.

Technical Memorandum
October 5, 2007

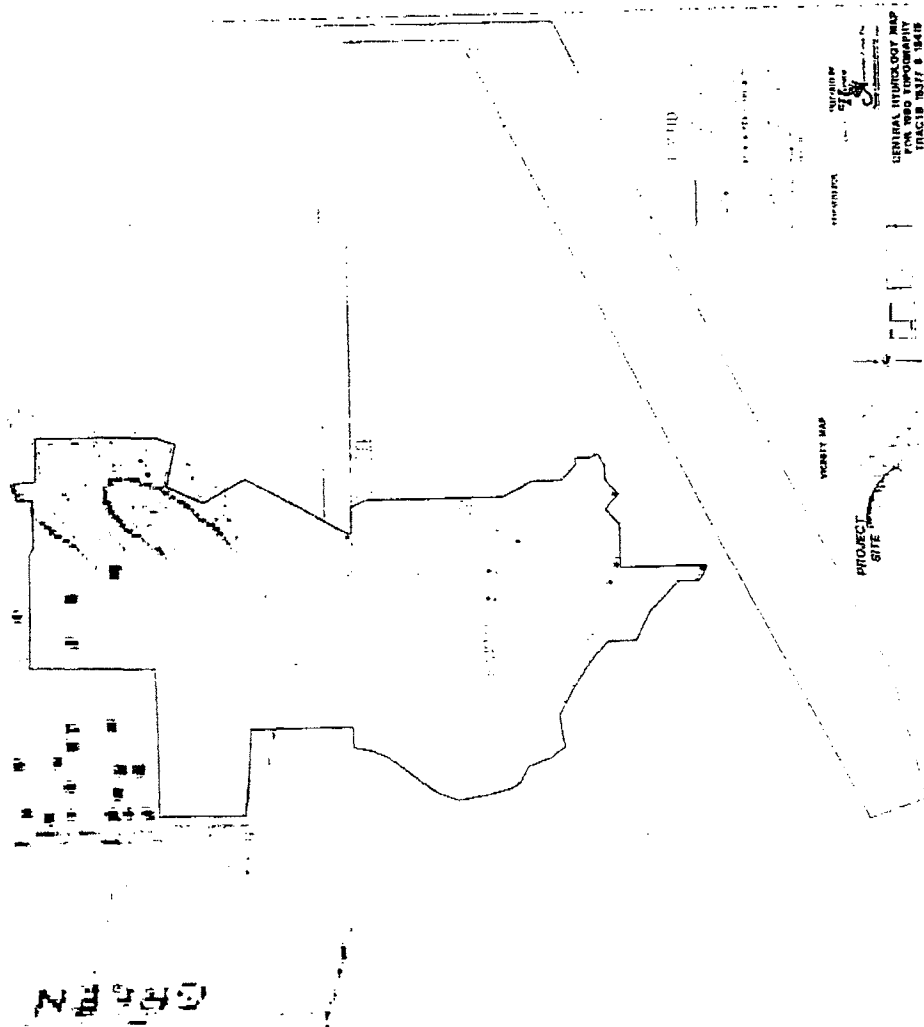


Figure 7. 1980a Hunsaker and Associates drainage area map. Black line delineates total drainage area. Total drainage area: 19.23 acres plus 22-acre diversion from north (illustrated) = 41.23 acres. Infiltration loss of 87% applied to 11.23-acre tributary area, and 69% applied to 22-acre off-site tributary area.

Technical Memorandum
October 5, 2007

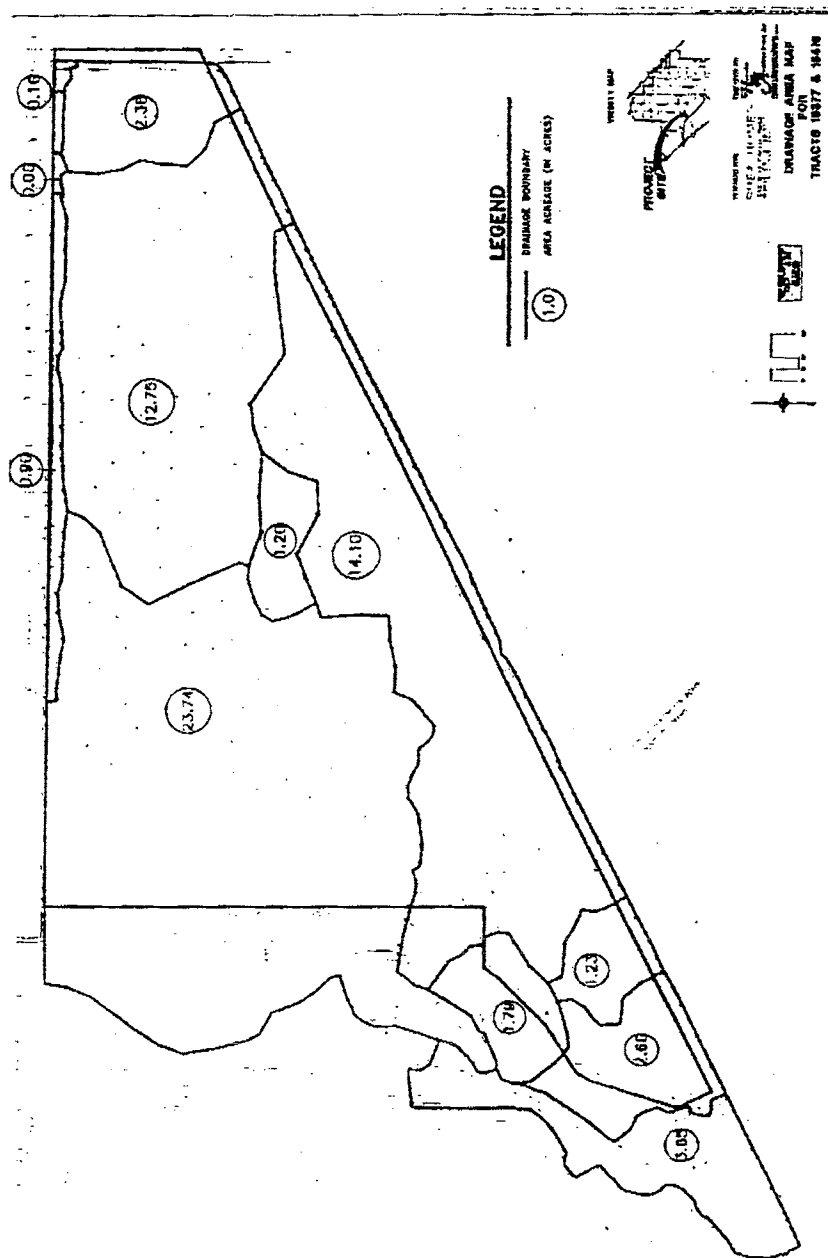


Figure 8. 1997 Hunsaker and Associates drainage area map. Total drainage area: 23.74 acres.

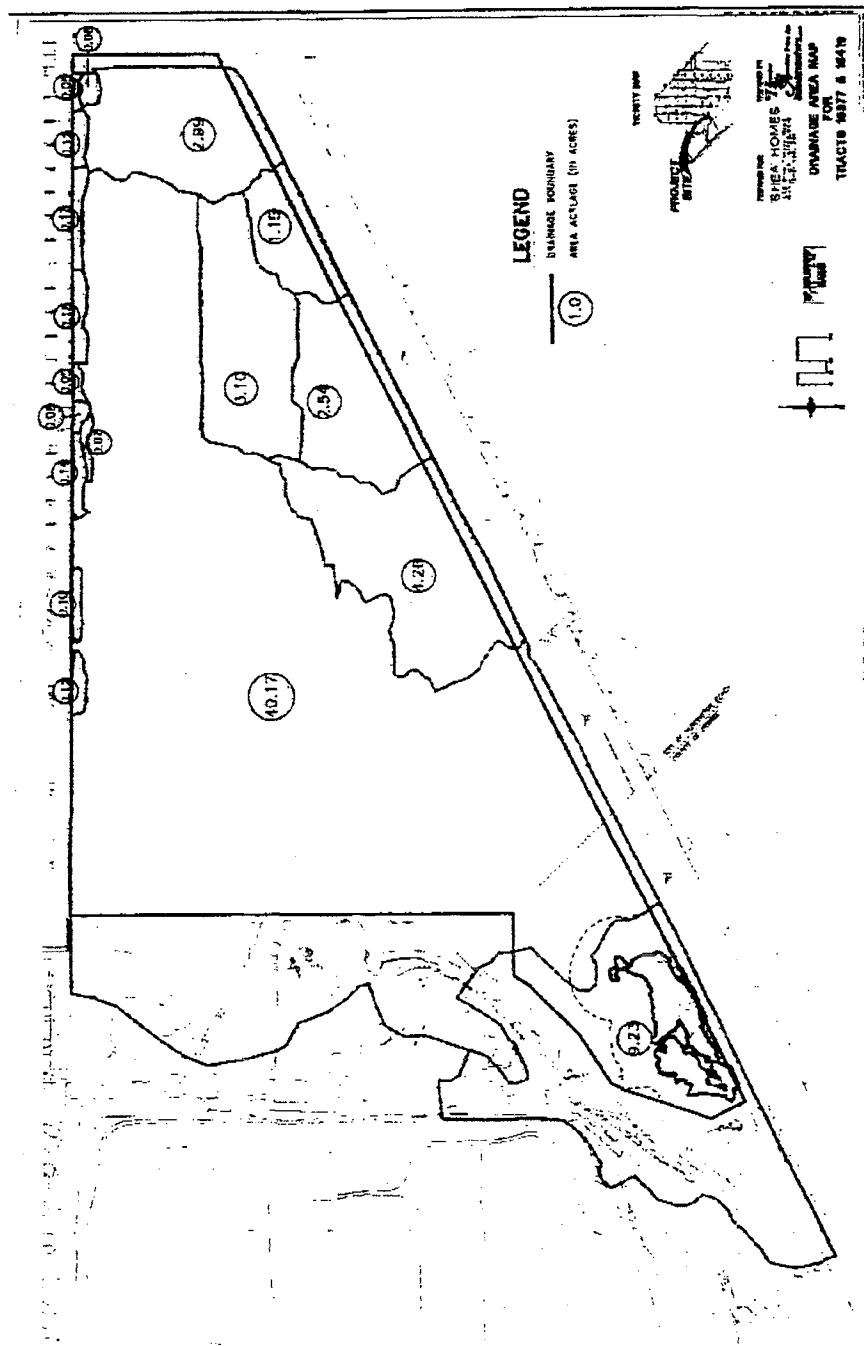


Figure 9. 2005 Hunsaker and Associates drainage area map. Drainage area 40.17 acres.

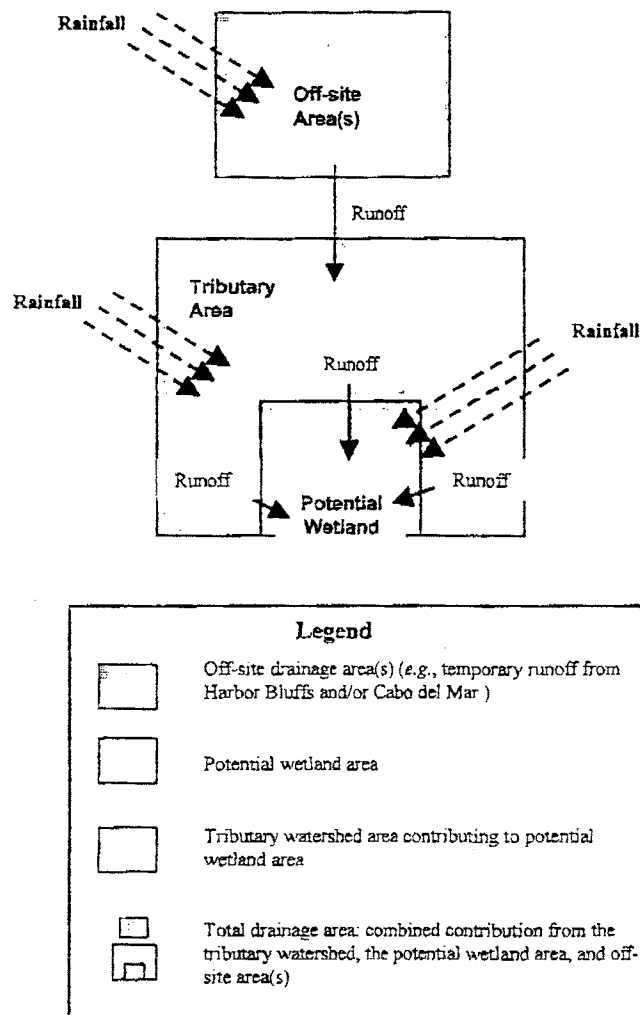


Figure 10. Schematic of areas and input included in September 2007 Exponent water availability estimates.

1970

The 1970 drainage area scenario has a total area of 38.77 acres, of which 25.77 acres are from the tributary drainage area, 5 acres are temporarily diverted from the Harbor Bluffs development, and 8 acres are designated as the potential ponding area. Figure 11 presents the annual water availability estimates for the 1970 scenario. The median water availability is 13.86 inches. The annual water availability ranges from a high of 35.09 inches in 2005 to a low of 4.10 inches in 1961. The water availability in 1970 is 9.66 inches, below the median for the period of record and less than the minimum 24.6 inches required for wetland vegetation. Of the 47 years analyzed, 85.1 percent of years have a water availability estimate less than or equal to 24.6 inches. Only seven years of the period of record have a water availability estimate greater than 24.6 inches of available water.

These results indicate that wetland vegetation would not be sustained in most years under this scenario. However, a 2.81-acre potential ponding area, with a 35.96-acre drainage area, would have a median water availability of 24.6 inches.

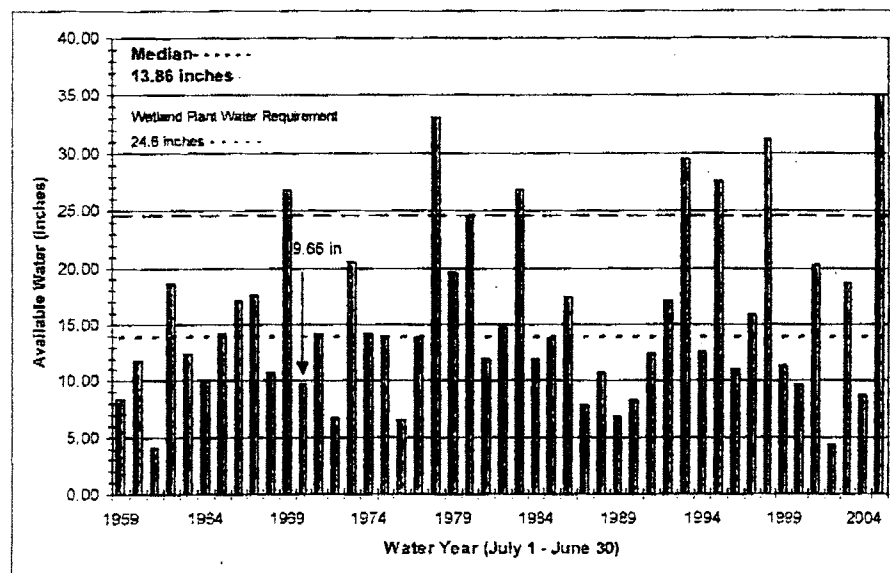


Figure 11. 1970 Drainage Areas - water availability estimates for potential ponding area by water year.

1980

The 1980 drainage area scenario has a total area of 41.23 acres, of which 11.23 acres are from the tributary drainage area, 22 acres are temporarily diverted from the Harbor Bluffs and Cabo del Mar developments, and 8 acres are designated as the potential ponding area. Figure 12 presents the annual water availability estimates for the 1980 scenario. The median water availability is 14.23 inches. The annual water availability ranges from a high of 36.02 inches in 2005 to a low of 4.20 inches in 1961. The water availability in 1980 is 25.21 inches, greater than the median for the period of record and greater than the minimum 24.6 inches required of wetland vegetation. Of the 47 years analyzed, 83 percent of years have a water availability estimate less than or equal to 24.6 inches. Only eight years of the period of record have a water availability estimate greater than 24.6 inches of available water.

These results indicate that wetland vegetation would not be sustained in most years under this scenario. However, a 2.99-acre potential ponding area, with a 38.24-acre drainage area, would have a median water availability of 24.6 inches.

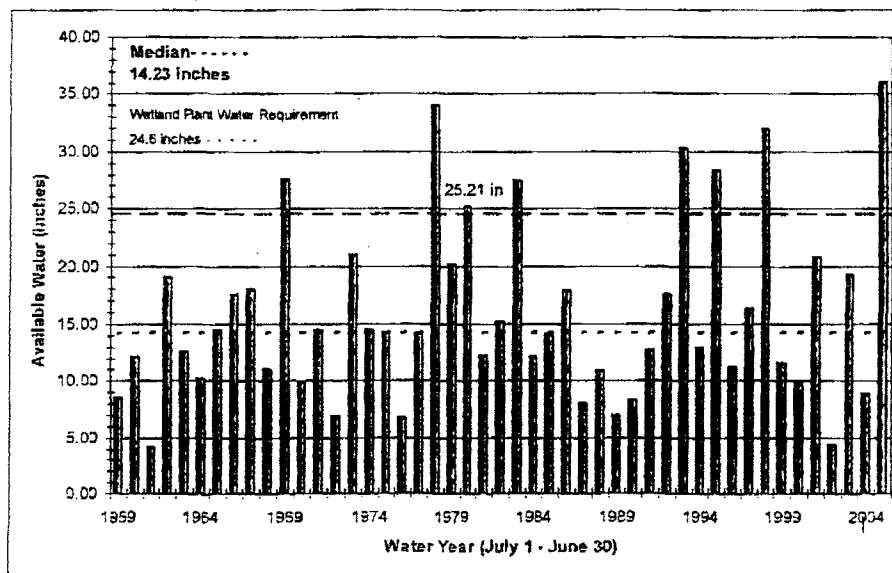


Figure 12. 1980 Drainage Areas - water availability estimates for potential ponding area by water year.

1980a

The 1980a drainage area scenario has a total area of 41.23 acres, of which 11.23 acres are from the tributary drainage area, 22 acres are temporarily diverted from the Harbor Bluffs and Cabo del Mar developments, and 8 acres are designated as the potential ponding area. As previously described, an 87 percent loss rate is applied to the tributary drainage area and a 69 percent loss rate is applied to the temporary diversion. Figure 13 presents the annual water availability estimates for the 1980a scenario. The median water availability is 18.80 inches. The annual water availability ranges from a high of 47.60 inches in 2005 to a low of 5.56 inches in 1961. The water availability in 1980 is 33.31 inches, greater than the median for the period of record and greater than the minimum 24.6 inches required of wetland vegetation. Of the 47 years analyzed, 72.3 percent of years have a water availability estimate less than or equal to 24.6 inches. Only 13 years of the period of record have a water availability estimate greater than 24.6 inches of available water.

These results indicate that wetland vegetation would not be sustained in most years under this scenario. However, a 5.2-acre potential ponding area, with a 36.03-acre drainage area, would have a median water availability of 24.6 inches.

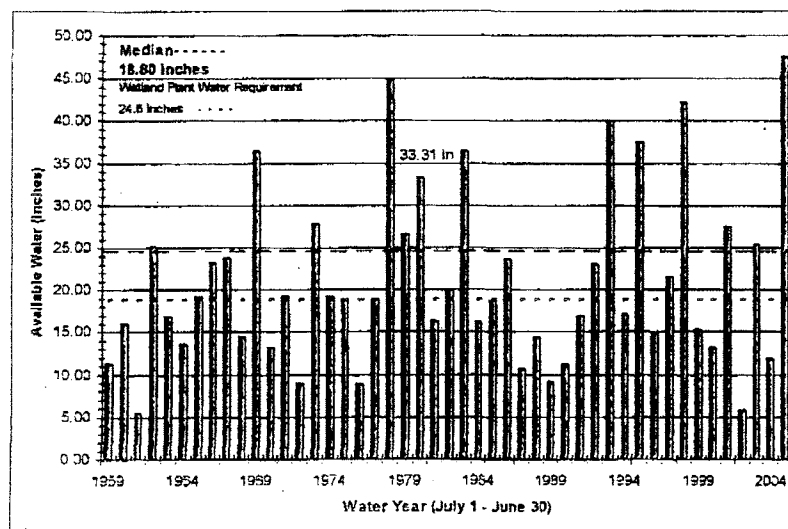


Figure 13. 1980a Drainage Areas - water availability estimates for potential ponding area by water year.

1997

The 1997 drainage area scenario has a total area of 23.74 acres, of which 15.74 acres are from the tributary watershed area (no diversion) and 8 acres are designated as the potential ponding area. Figure 14 presents the annual water availability estimates for the 1997 scenario. The median water availability is 11.60 inches. The annual water availability ranges from a high of 29.37 inches in 2005 to a low of 3.43 inches in 1961. The water availability in 1997 is 13.31 inches, less than the median for the period of record and less than the minimum 24.6 inches required of wetland vegetation. Of the 47 years analyzed, 91.5 percent of years have a water availability estimate less than or equal to 24.6 inches. Only four years of the period of record have a water availability estimate greater than 24.6 inches of available water.

These results indicate that wetland vegetation would not be sustained in most years under this scenario. However, a 1.72-acre potential ponding area, with a 22.02-acre drainage area, would have a median water availability of 24.6 inches.

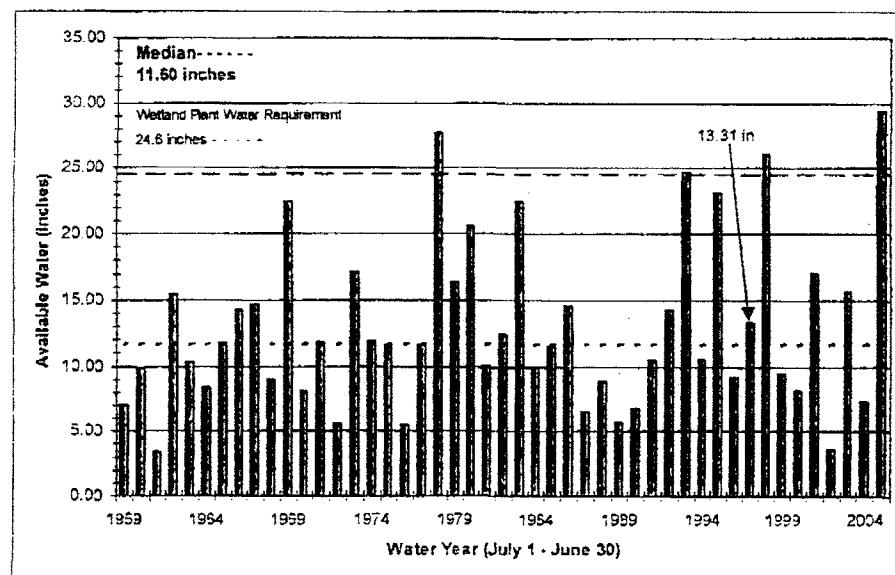


Figure 14. 1997 Drainage Areas - water availability estimates for potential ponding area by water year.

2005

The 2005 drainage area scenario has a total area of 40.17 acres, of which 32.17 acres are from the tributary drainage area (no diversion) and 8 acres are designated as the potential ponding area. Figure 15 presents the annual water availability estimates for the 2005 scenario. The median water availability is 14.07 inches. The annual water availability ranges from a high of 35.62 inches in 2005 to a low of 4.16 inches in 1961. The water availability in 2005 is 35.62 inches, greater than the median for the period of record and greater than the minimum 24.6 inches required of wetland vegetation. Of the 47 years analyzed, 83 percent of years have a water availability estimate less than or equal to 24.6 inches. Only eight years of the period of record have a water availability estimate greater than 24.6 inches of available water.

These results indicate that wetland vegetation would not be sustained in most years under this scenario. However, a 2.91-acre potential ponding area, with a 37.26-acre drainage area, would have a median water availability of 24.6 inches.

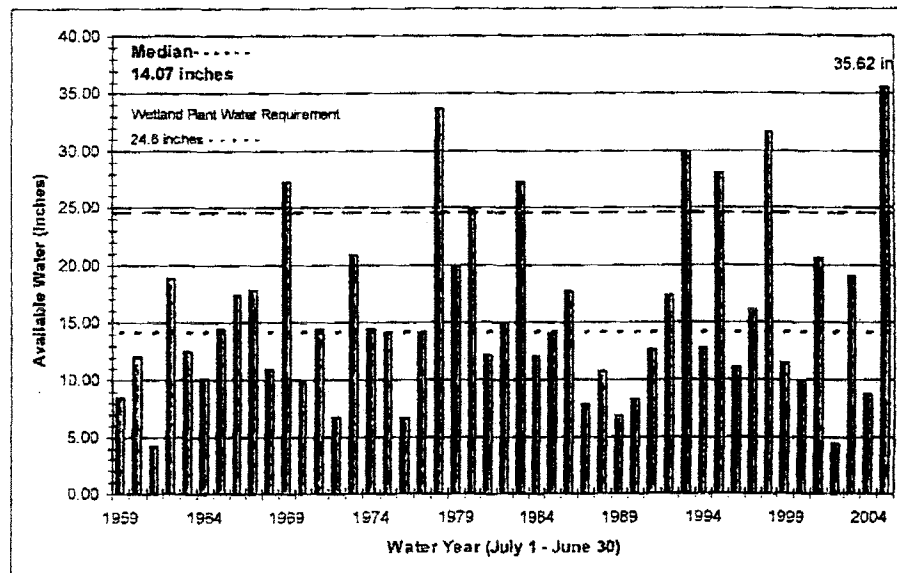


Figure 15. 2005 Drainage Areas - water availability estimates for potential ponding area by water year.

Conclusions

The results from all drainage area conditions indicate that while there are occasional years when the water availability estimates exceed the threshold value of 24.6 inches, in the majority of years this is not the case. Table 5 provides a summary of the water availability estimates. The percentage of years when the water availability estimates are less than 24.6 inches ranges from a low of 72.3 percent to a high of 91.5 percent for the various drainage area conditions.

Table 5. Summary of water availability estimates.

Watershed Condition	Median Water Availability in	Years with Available Water Greater Than or Equal to 24.6 inches	Years with Available Water Less Than 24.6 inches	Maximum Water Available for this Watershed Condition in	Minimum Water Available for this Watershed Condition in
1970	13.86	14.9%	85.1%	35.09	4.10
1980	14.23	17.0%	83.0%	36.02	4.20
1980a	18.80	27.7%	72.3%	47.60	5.56
1997	11.60	8.5%	91.5%	29.37	3.43
2005	14.07	17.0%	83.0%	35.62	4.16

Evaluating the potential for additional runoff generated by the Harbor Bluffs and Cabo del Mar diversions illustrates how the water availability estimates increase with a decrease in estimated infiltration. As a result, a maximum of 5.2 acres of annual wetland vegetation might hypothetically be supported with a 36.03-acre tributary area.

The results observed using the Orange County Los Alamitos precipitation gage data and the drainage areas from 1970, 1980, 1980a, 1997, and 2005 are consistent with the results observed using the Long Beach Daugherty precipitation gage and the areas determined for the WP Pre-2005, WP Post-2005, and CP Pre-2005.

October 2, 2009

Comments on the MND for "The Ridge"

The "Meandering Trail", like the City's opening of the easement that preceded it appears to follow the "Bridge to Nowhere" school of civic planning, i.e. open a thoroughfare to an uncertain destination and then ignore the results. The "Meandering Trail" improvement will no doubt only add to the blight the current dirt path has visited upon the community and the environment.

TRUD-

Effects on the environment:

Before the current dirt path that resulted from the city's easement, this field and the eucalyptus grove was home to red tailed hawks, humming birds, heron, possum, owls and other wildlife. All have fled, the easement has effectively sterilized this last scrap of mesa habitat. A short walk would show it's devastating effects; what was once a recovering natural mesa habitat has been transformed into an urban vacant lot crisscrossed by dusty paths, littered with beer bottles, dog droppings, drug paraphernalia, condoms, and broken glass.

If someone wants access to nature they will not use this path as it only provides access to what is now a unsightly vacant lot. Access to the Bolsa Chica wetlands is already provided by the entrance a hundred yards away at the end of Bolsa Chica Avenue and at Graham, as well as Glenroy Drive. The current pathway simply serves as:

TRUD-

- A minor shortcut for those wishing to walk from the south end of Graham to the west end of Warner.
- A dirt track for motorbikes and motor skateboards.
- A place to walk dogs without having to cleanup after them.
- An unlit, unpatrolled and unsupervised hang out for local youths and the homeless at night.

Ironic that in lieu of any real planning an easement that should have provided access to a natural habitat should be the instrument of it's destruction.

Effects on the community:

Before the easement the area was host to the occasional bird watcher or nature lover. Since the easement has wiped all traces of nature, the bird watchers have been replaced by motorbikes and dog walkers during the day and at night local youths looking for a dark place to party and the occasional homeless person. This new group of visitors are considerably more noisy than the birdwatchers. The dirt path is just a few yards away from the bedroom windows of over a dozen homes. Unlike a park which is patrolled and has restrictions on late night use, people can use this pathway at any hour talking, singing, or yelling freely...and they do. Residents have learned that they must keep shut their windows shut, which is probably a good thing since lone figures can be seen peering into the bedroom windows at night from time to time.

TRUD-

Effects on the Ridge's bottom line:

There will be a cost to keep these areas clean and well maintained. When prospective homeowners look out through second floor windows or walk around the property they will probably not miss the litter strewn vacant lot that is adjacent. They may even be treated to a motorbike ripping up the "Meandering Trail" tastefully landscaped and decorated with dozens of dog droppings and beer bottles. The valuations of the Ridges' homes will be affected by what lies outside it's walls.

TRVD-1

Solution:

Rather than building upon an already bad idea, by upgrading the dirt path easement, close it down. Police won't be continually called out as they are now resulting in motorcycle police riding along the trail or noisy police helicopters hovering overhead at night. The Ridge could benefit from having a quiet Bolsa Chica Mesa meadow, a small sanctuary for wildlife in it's backyard, or it can struggle to maintain what has already proven to be a blight on the community.

TRVD-2

Villasenor, Jennifer

From: JonV3@aol.com
Sent: Friday, October 09, 2009 11:13 AM
To: Villasenor, Jennifer
Subject: Comments on The Ridge Draft Mitigated Negative Declaration no. 08-016

October 9, 2009

Jennifer Villasenor
 Department of Planning
 City of Huntington Beach
 2000 Main Street
 Huntington Beach, CA 92648

Re: Mitigated Negative Declaration No. 98-016
 The Ridge

Dear Ms. Villasenor:

Thank you for the opportunity to comment on the above MNegDec for the proposed Ridge development.

This project must be evaluated by a full EIR rather than a Mitigated Negative Declaration. There are several significant issues that need further evaluation, including Land Use and Planning, Recreation, Biology, Cultural Resources, Air Quality, Aesthetics, Greenhouse Gas emissions, and Climate Change. Furthermore, there is no public benefit to changing the land use designation of this property.

1. Land Use and Planning.

The project conflicts with current land use planning including the General Plan and Coastal Land Use Plan, which designate the site as Open Space -Park. The General Plan takes precedence over the zoning designation. The zoning designation must be changed to be consistent with the General Plan and CLUP, not the other way around. This open space is very significant because it is adjacent to and contiguous with the Bolsa Chica ecosystem. The Bolsa Chica land use designations have been through many political and legal battles, the open space/park designation was hard-fought, and the proposed loss of this open space is intolerable. The Bolsa Chica open space including the parcels known as Shea/Parkside contains many areas of ESHA and this open space is significant for its value as raptor foraging habitat. The EIR should examine in detail the requirements of raptor foraging habitat and the loss of this area for raptors utilizing Bolsa Chica and mitigation required.

2. Recreation

This open space is designated as park in the General Plan, available for passive recreation such as hiking and nature watching. Huntington Beach has a deficiency of park space. The EIR should examine the impacts of losing even more park space, including the cumulative loss of parks in Huntington Beach and how this loss will be mitigated. This is a significant impact that needs evaluation in a full EIR.

3. Aesthetics.

The building of 22 houses on this ecological open space will dramatically change the aesthetics of the area, from one of natural open space to one of houses, a significant change that will degrade the visual qualities of the area. This is a significant change and should be evaluated from the perspective of people visiting the ecological open space of the preserved areas of Bolsa Chica under public ownership. The site is part of the scenic vista of the Bolsa Chica ecosystem and building houses on it is a significant impact.

4. Air Quality

This project will significantly increase air emissions from gas appliances, fireplaces, energy use, and automobile traffic from the 22 houses, significantly more so than its use as an open space passive park. The EIR should examine these significant impacts and mitigate them.

4/8/2010

ATTACHMENT NO. 9.81

5. Population and Housing.

Building houses on land designated open space in the General Plan will cause a significant impact on the population in this area, from one of open space with no houses to one totally occupied by houses and permanent residents. This permanent impact and loss of open space requires mitigation.

] VAN-E

6. Biological Resources.

This property is part of the Bolsa Chica ecosystem, which is a hotspot of regional and national importance. The loss of this part of the ecosystem, especially its impacts on raptor foraging areas and proximity to the ESHA's of Bolsa Chica and the Shea/Parkside property need further evaluation and mitigation. This is a significant impact and requires mitigation proposals.

] VAN-

7. Cultural Resources.

This property is adjacent to the significant cultural resource areas ORA-83, ORA-85, and ORA-86, where collections of ancient human remains have been discovered, often after development has commenced. ORA-83 has been accepted for the National Register of Historic Places, and is known as the cogstone site, with only a couple of places in the world where these have been found. It is likely that the Ridge site contains the same cultural resource value. In addition, full disclosure of the archeological findings of ORA 83 and ORA 85 are due by February 10, 2010. The Ridge EIR should contain a report of these findings in a full EIR.

] VAN-

8. Greenhouse Gasses, Climate Change

This project requires an evaluation of greenhouse gases and climate change as part of a full EIR, not a MND. The development of houses burning fossil fuels and automobiles burning fossil fuels, where none exist in an open space area, needs evaluation. This is a significant impact for this area requiring a mitigation strategy.

] VAN-

9. No public benefit.

The proposed public benefit of a trail is a negative impact compared to the existing use of the land as open space/park, where people are able to traverse the land at will. The proposed use of green building for the 22 houses is a negative impact compared to the natural open space which is now available as the land use in the General Plan.

] VAN-

Again, thank you for the opportunity to comment. A full EIR is required rather than a Mitigated Negative Declaration. Please put me on the list for public notifications relating to this project.

] VAN-11

Sincerely,

Jan D. Vandersloot, MD
2221 E 16th Street
Newport Beach, CA 92663

ATTACHMENT NO. 9.82

October 8, 2009

City of Huntington Beach
Attn: Jennifer Villaseñor, Planning
2000 Main St
Huntington Beach, CA 92648

RE: Environmental Assessment No. 2008-016 "The Ridge"

Ms. Villaseñor,

I have the following public comments, concerns, and questions (MND original text in CAPS, since the City does not provide a copy/paste version):

Page 2: Public Benefit

"THE FIRST PUBLIC BENEFIT IS THE IMPROVEMENT OF AN EXISTING 30-FOOT WIDE CITY-OWNED PARCEL IMMEDIATELY NORTH OF THE PROJECT SITE. THE PARCEL IS CURRENTLY UNDEVELOPED AND WOULD BE IMPROVED WITH A 6-FOOT WIDE MEANDERING TRAIL AND LANDSCAPING BUFFER THAT WOULD CONNECT TO AN EXISTING INFORMAL PATH ON THE ADJACENT SHEA PROPERTY EAST OF THE PROJECT SITE TO PROVIDE ACCESS TO THE BOLSA CHICA WETLANDS FROM BOLSA CHICA STREET, THEREBY IMPROVING COASTAL ACCESS OPPORTUNITIES IN THE BOLSA CHICA AREA."

The MND's claims of the so-called "public benefits" of this project are without merit.

1) Public Benefit Claim #1: "provide access"/ "improved access opportunities":

The MND repeatedly notes the "30-FOOT WIDE CITY-OWNED PARCEL", but I do not see anywhere where it states the LENGTH (distance) of this parcel. 30 feet by how long? Google Earth says about 425 feet, or less than 1/10th of a mile.

The MND does not state if the City-owned parcel is accessible to the public now (whether people can walk on it). The public has access to the parcel now.

The MND does not state if the City-owned parcel connects to the informal Shea path now. The parcel connects to the Shea path now.

The MND does not state the condition of the informal Shea path. The informal path is unpaved, steep in parts, without rails or stairs. And the Shea path itself does not connect to the coast, but to another path (the Levee trail) that leads to the coast. The entire coastal access route from this point is over a mile long, uneven and unpaved.

JBIX-1

ATTACHMENT NO. 9.83

How is the City defining "improvement"? The dictionary says "improved" means "expanded, increased, get better." The access the City is talking about is not expanding or increasing—it already exists. That leaves the "get better" criterion. How do you define "better coastal access?" Is the improvement creating a short cut? No. Is the improvement making it easier for handicapped persons to navigate the path? Well, for the first 1/10th of a mile, but then there's the informal, steep, unpaved Shea path that it connects to, and the uneven, unpaved trails beyond that, so the 1/10th mile improvement isn't giving the handicapped better access to the coast via this route any more so than they have now. So again, it begs the question, exactly how is coastal access /opportunity for coastal access being improved by this project?

These are the facts:

- The City-owned parcel is accessible to the public now.
- The informal Shea path is accessible to the public via the City-owned parcel now.
- The project's "improvement" of the 1/10th mile long City-owned parcel is not creating new or expanded access ("opportunity") that did not exist before.
- The project's "improvement" of the 1/10th mile long City-owned parcel is not making coastal access any "better" than it is now (i.e., it's not making the distance shorter, or making the coast more accessible to the handicapped).

The fact of the matter is that there's no "there" there. The so-called "improvement" is merely to the APPEARANCE of a 1/10th of a mile pathway, NOT to "COASTAL ACCESS OPPORTUNITIES IN THE BOLSA CHICA AREA."

In short, it's a beautification project trumped up to look like it's more of a benefit than it actually is.

Page 2: Public Benefit

"THE PROJECT IS ALSO PROPOSING TO BE CONSTRUCTED AS THE CITY'S FIRST 'GREEN' RESIDENTIAL PROJECT."

2) Public Benefit Claim #2: Building 22 houses using green features is a "public benefit" worthy of granting the project special status:

I wholeheartedly applaud green building practices. However, they should be standard practice in the City of Huntington Beach for ALL development, not singled out as a stand-alone "public benefit" on one small project to give that project a special waiver. In this MND, green practices are being trumped up as a "public benefit" when the benefit is

really to the applicant, so that their project obtains a special status, thus letting the developer get around certain rules and regulations.

Does building green mean less construction truck traffic during construction? Probably not.

Does building green shorten the amount of time it takes for construction? Probably not.

Does building green decrease the air quality impacts of construction? Probably not.

Does building green decrease the noise of construction? Absolutely not.

In short, there are no obvious short-term public benefits to green construction of this project.

What about long-term public benefits? The houses will use less electricity and water than comparable houses, which might be a small benefit to their PRIVATE owners, but how does that benefit the other 200,000+ Huntington Beach residents—the public supposedly benefiting from this project?

Unlike an EIR, an MND does not explore the alternatives that would be of GREATER public benefit than the proposed project. Two alternatives are 1) creating a park as per the existing certified land use plan, and 2) no project at all. All HB citizens could benefit from parkland since it would be available to ALL of its 200,000+ citizens. And if there is no project at all, then the electricity and water savings do “benefit” the public at large, because there would be more of both to go around. Air quality and traffic would also be better with no project since there would be fewer car trips without houses.

Will the fact that the city has 22 “green” units, of the tens of thousands of housing units the city has, make life better for the 200,000+ citizens of Huntington Beach? No. There is no overriding public benefit of building 22 green units to give this project special status.

Page 4: Other previous related environmental documentation:

3) The MND states “NONE.” Seriously? None of the prior EIR’s related to Bolsa Chica (and there are several) relate to these 5 acres even though they are part of the Bolsa Chica Mesa? Even the Goodell MND No. 08-017 admits that it is part of the Bolsa Chica Mesa and notes previous Bolsa Chica EIR’s accordingly. “NONE” is a lazy, insufficient answer, and serves to implicate this project as part of piecemeal planning rather than cumulative planning.

JBIX-3
cont'd.

JBIX-4

Page 11: Zoning/Land Use Consistency

The Environmental Checklist asks, "WOULD THE PROJECT A) CONFLICT WITH ANY APPLICABLE LAND USE, POLICY, OR REGULATION OF AN AGENCY WITH JURISDICTION OVER THE PROJECT (INCLUDING, BUT NOT LIMITED TO THE GENERAL PLAN..."

5) The MND does not discuss the Recreation and Community Services Element of the General Plan, which states "THE CITY HAS SET ITS PARK STANDARD AT FIVE ACRES PER 1,000 PEOPLE." (RCS Policy 2.1.1) Furthermore, Park Acquisition Goal RCS 2 states, "Provide adequately sized and located active and passive parklands to meet the recreational needs of existing and future residents, and to preserve natural resources within the City of Huntington Beach..."

According to the recent (2009) EIR for the Downtown Specific Plan, the city is presently SHORT of the 5 acres per 1,000 residents policy. This MND wants to remove 5 acres of useful parkland (OS-P) from the General Plan which is

- a) inconsistent with the 5 acre RCS Policy 2.1.1, and
- b) inconsistent with RCS Goal 2.

How does this MND reconcile its proposed amendment removing 5 acres of useful parkland from the state-certified Land Use Plan with General Plan Policy RCS 2.1.1? I cannot see that it does.

Page 12: Land Use Policies

"THE PROJECT IS PROPOSING TO IMPROVE AN EXISTING UNDEVELOPED 30-FOOT WIDE PARCEL NORTH OF THE PROJECT SITE WITH AN ACCESS TRAIL THAT WOULD CONNECT TO AN EXISTING INFORMAL PATH ON THE ADJACENT SHEA PROPERTY THAT WOULD ULTIMATELY PROVIDE ACCESS TO THE FLOOD CONTROL CHANNEL AND THE BOLSA CHICA WETLANDS FROM BOLSA CHICA STREET."

6) A restatement of the alleged "public benefit" of page 2. The dictionary says "improved" means "expanded, increased, get better." The MND fails to explain how the paving and artificial landscaping of 425 feet equates to expanded, increased, or better coastal access.

7) The claim of improved access is in conflict with existing signage. Right now, several signs on Bolsa Chica Street state that public trails are SOUTH, at the end of Bolsa Chica

Street. Those are formal, established trails, which already "PROVIDE ACCESS TO...THE BOLSA CHICA WETLANDS FROM BOLSA CHICA STREET." This MND implies that it wants to lead people EAST to the "informal" Shea trail. Will the applicant have to put up signs indicating access to the east, thereby confusing the public on which way to go? Is this MND saying that a paved trail connecting to an INFORMAL path is a "better" access point to Bolsa Chica than a paved sidewalk connecting to a FORMAL path (at the intersection of Bolsa Chica St & Brightwater)?

JBIX-6
cont'd.

Page 13: Zoning/Land Use

"ALTHOUGH THE PROPOSED PROJECT WOULD RESULT IN DEVELOPMENT ON THE BOLSA CHICA MESA, THE EXISTING SLOPE ADJACENT TO THE PROJECT SITE WOULD BE PRESERVED."

8) Preserved how? The MND does not state how the slope will be preserved.

JBIX-7

Page 13: HBZSO & Applicable Codes

9) The text notes that "EXCEPTIONS" and "DEVIATIONS" are required to make the project "comply" with Code. Changing the rules to make things comply is not compliance, it's getting around the rules that everyone else must follow. Why doesn't the City make the applicant comply with existing code without exceptions and deviations?

JBIX-8

Page 13: Zoning Text Amendment

10) The text talks about "TANDEM CONFIGURATION" for parking spaces but does not describe for the lay person what that is.

"FOR THESE 10 UNITS, THREE OPEN SPACES ARE REQUIRED, IN WHICH ONE OF THE REQUIRED OPEN SPACES IS PROPOSED TO BE MET THROUGH THE AVAILABLE STREET PARKING."

11) If street parking is used for something that should be on private property, then that means less street parking for the general public, right?

JBIX-9

Page 14: Zoning Text Amendment

"IN ADDITION, THE PROJECT IS PROPOSING TO PROVIDE A LINK, VIA A 30-FOOT WIDE LANDSCAPED PATH, TO CONNECT BOLSA CHICA STREET AT LOS PATOS AVENUE TO THE BOLSA CHICA WETLANDS."

JBIX-10

12) False claim. In order to “provide” a link the link must not already exist. Which it already does—in two directions!

Currently, the public has access to the Bolsa Chica Wetlands via the City-owned parcel at Bolsa Chica St & Los Patos Ave which leads to both

- a) the Informal, ungroomed Shea trail to the east;
- b) the paved sidewalk of Bolsa Chica Street which leads to the Formal, groomed Brightwater trail to the south.

It is accurate to state that “the project is proposing to landscape an existing pathway.” If you want to include the disclaimer “unofficial” pathway, then that’s factual, too. Just don’t mislead the public and claim the project will “provide” a service (access / link) that already exists.

JBIX-10
cont'd.

Page 30: Biological Resources

“THE HEIGHT OF THE ESHA IS APPROXIMATELY 40 FEET ON AVERAGE SO THE TOPS OF THE TREES ARE APPROXIMATELY AT THE PROPOSED PAD ELEVATION.”

13) The MND claims that having people and dogs visible at tree top level 200 feet away is a less than significant impact on raptors that use the ESHA. What raptor expert said that? Do you have a study to back up that claim? Raptors use the middle-to-upper portions of trees, not the base root of trees!

The project would only be 160 feet from the Eucalyptus ESHA on the west. The ESHA is also hemmed in by the Cabo Del Mar condos to the north, and the Shea project to the east. What raptor in their right mind would use trees surrounded by development in such a way? If the ESHA is surrounded tightly on 3 sides, isn’t it degrading the ESHA to such an extent that it becomes useless and worthless to the raptors? Has a raptor expert been consulted on any of this?

JBIX-11

14) The Coastal Commission made its determination of Shea buffers based on the OS-P land use designation of Hearthsides’ 5 acres. To change the designation could change the premise of the buffer size. Won’t the CCC have to go back and refigure the Shea buffer based upon the land use changing from Open Space to Residential? Otherwise don’t you have a case of piecemeal planning?

JBIX-12

Page 34-35: Public Services

15) While the project's impacts to existing parks would be less than significant, as noted previously, the impact to the General Plan policies concerning parks is Potentially Significant. There is no mitigation for loss of potential parkland in this MND.

JBIX-15

Page 38: Aesthetics

"IN ADDITION, IMPROVEMENT OF AN EXISTING UNDEVELOPED 30-FOOT WIDE CITY-OWNED PARCEL NORTH OF THE PROJECT SITE WOULD PROVIDE PUBLIC ACCESS TO AN INFORMAL PATH ON THE ADJACENT SHEA PROPERTY FROM BOLSA CHICA STREET AND WOULD ALSO PROVIDE PUBLIC VIEWS FROM THE SLOPE EDGE AT THE EASTERN POINT OF THE SITE."

JBIX-14

16) Again, the MND is purporting to "provide" something that already exists. Not only does access to the informal Shea path already exist, but the public views from the slope edge also already exist. Landscaping the City parcel to the north has no effect on either access or the view from the east!

On the other hand, building 2-story houses could serve to BLOCK the existing public view from this vantage point.

17) The MND seems to ignore Goodell MND No. 08-017 which plans 3.2 acres of Residential adjacent to the Ridge's Residential. Those future houses could also interfere with the public view being "provided."

JBIX-13

Page 38: Aesthetics, Lighting

"THE PROPOSED LIGHTING PLAN FOR THE PROJECT INDICATES THAT ALL LIGHTING WILL BE SHIELDED TO MINIMIZE LIGHT CAST ONTO ADJACENT PROPERTIES. IN ADDITION, THE PROJECT SITE LIGHTING WILL INCLUDE 'DARK SKY' FEATURES THAT WERE IMPLEMENTED IN THE ADJACENT BRIGHTWATER RESIDENTIAL PROJECT AND HAVE ALREADY BEEN DETERMINED TO BE APPROPRIATE FOR AND SENSITIVE TO THE BOLSA CHICA AREA."

JBIX-16

18) I wholeheartedly applaud the use of "dark sky" lighting. However, I'm surprised to hear that it's supposed to be used at Brightwater, also developed by applicant Hearthside Homes. Brightwater's public (common) areas have many landscaping lights that point skyward to illuminate vegetation. If the dark sky rules are not being enforced there, why should it be assumed the policy will be enforced at the Ridge?

19) It was previously stated (page 30) that the height of the ESHA tree tops would be about even with the housing pads. Any exterior house lights or street lights—pointing

JBIX-17

down from above tree height—will impact the raptors, since their eyesight is much sharper. Has anyone consulted a raptor expert on this issue? How can light pollution not have a significant impact on natural resources at this location?

JBIX-17
Cont'd.

Page 39: Aesthetics

“IN ADDITION, THE ADJACENT SLOPE WOULD BE PRESERVED AS A SIGNIFICANT SCENIC RESOURCE AND THE PROJECT WOULD PROVIDE FOR PUBLIC VIEWS FROM THE PROJECT SITE VIA THE PROPOSED 30-FOOT WIDE ACCESS PATH.”

20) Same issues as previous page: If anything, building 2-story houses will obscure some of the existing scenic views. And the path—paved or not—won’t make any difference to the view.

And same issues as before—a) cannot provide an access path which already exists, and b) the methodology for preserving the slope is not stated.

JBIX-18

Page 40: Cultural Resources Mitigation Measure 1

“THE APPLICANT SHALL ARRANGE FOR A QUALIFIED PROFESSIONAL ARCHAEOLOGICAL MONITOR TO BE PRESENT DURING ALL PROJECT-RELATED GROUND-DISTURBING ACTIVITIES...”

21) Is the City aware that the applicant, Hearthside Homes, was admonished by the state Native Americans Heritage Commission, for its archaeological mismanagement of Brightwater and ORA-83?

Is the city aware that the issue of poor handling of remains was brought before the state Coastal Commission and that the Commission reprimanded Hearthside for violations of conditions of approval?

Bad behavior should NOT be rewarded. The mitigation measure should be amended to state that Hearthside CANNOT use the same archeological firm that did the poor handling of remains at Brightwater & ORA-83.

JBIX-19

Page 41: Recreation

“THE PROJECT, AS PART OF ITS PUBLIC BENEFIT, IS PROPOSING TO IMPROVE AN EXISTING 30-FOOT WIDE PARCEL LOCATED IMMEDIATELY NORTH OF THE PROJECT SITE, WITH A LANDSCAPED TRAIL THAT WOULD PROVIDE ACCESS FROM BOLSA CHICA STREET TO AN EXISTING INFORMAL PATH ON THE ADJACENT SHEA PROPERTY, WHICH ULTIMATELY

JBIX-20

CONNECTS TO THE WETLANDS. IN THIS RESPECT, THE PROJECT WOULD FURTHER RECREATIONAL OPPORTUNITIES IN THE BOLSA CHICA AREA.”

22) Again with the wishful thinking—no matter how many times you repeat it doesn’t make it any more valid. Access already exists from the 30-foot, 1/10th mile long City parcel to the informal path; therefore, a) nothing is being provided and b) nothing is being added to (“further opportunities”). Nothing is being given to the public that they don’t already enjoy.

Page 42: Recreation

“IN ADDITION, THE COMMUNITY SERVICES DEPARTMENT HAS REVIEWED THE PROPOSED GENERAL PLAN AMENDMENT AND...HAS INDICATED THAT THE PROSED CHANGE IN LAND USE DESIGNATION WOULD NOT PRESENT A SIGNIFICANT IMPACT IN TERMS OF EXISTING OR PLANNED PARKS AND RECREATIONAL FACILITIES.”

23) Is the city also proposing to change RCS Policy 2.1.1 of the General Plan “Maintain the current park per capita ratio of 5.0 acres per 1,000 persons, which includes the beach in the calculation”?

Because unless the City is changing RCS Policy 2.1.1, then there WILL be a significant impact in terms of land use planning. The city is currently in violation of RCS Policy 2.1.1.

That’s not the worst of it. Projects “in the pipeline” will only serve to worsen the parkland-to-residents ratio:

- a) The Pacific City development will add hundreds of new residents but is not adding any new parkland.
- b) The high-density Amstar Red Oak project will be adding hundreds of new residents yet has no place for parkland.
- c) The Village at Bella Terra project proposes to “increase maximum development density,” thereby adding hundreds of new residents without any place for parkland.
- d) The Downtown Specific Plan Update proposes to “facilitate development opportunities within the DTSP area by revising development standards including increases in allowable densities” yet has no place for parkland.

So where does the city plan to get more parkland to comply with RCS Policy 2.1.1?

Page 43: Mandatory findings of Significance

The Checklist asks, "DOES THE PROJECT HAVE THE POTENTIAL TO ...SUBSTANTIALLY REDUCE THE HABITAT OF A FISH OR WILDLIFE SPECIES...THREATEN TO ELIMINATE A PLANT OR ANIMAL COMMUNITY..."

24) What is the MND doing to protect the raptors that use the Shea Eucalyptus ESHA?

- What mitigation/protection is there from lighting directed downward at tree top height?
- What mitigation/protection is there from dog disturbance / human activity in the backyards of the Project?
- What mitigation/protection is there from dogs / human activity along the east slope access to the public views (pgs. 38-39)?

A raptor expert should be consulted before proceeding further with these plans and the MND's assumptions of insignificant impacts to biological resources.

"DOES THE PROJECT HAVE IMPACTS THAT ARE INDIVIDUALLY LIMITED, BUT CUMULATIVELY CONSIDERABLE?"

25) The MND does not address the issue of "piecemeal" planning. Sandover by Hearthside Homes was built in isolation. Brightwater by Hearthside Homes was built with the assumption the OS-P designation was in effect. The plans for Shea Parkside were approved with the assumption the OS-P designation was in effect. If the OS-P designation is overturned, then all previous planning is invalid.

"ALTHOUGH THE PROJECT IS PROPOSING TO AMEND THE GENERAL PLAN LAND USE DESIGNATION, THE PROJECT IS CONSISTENT WITH THE GENERAL PLAN IN TERMS OF FORESEEABLE GROWTH IN THE CITY. IT DOES NOT REPRESENT A SIGNIFICANT NEGATIVE IMPACT TO THE ENVIRONMENT OR GOALS OF THE CITY."

26) This project is horribly inconsistent "WITH THE GENERAL PLAN IN TERMS OF FORESEEABLE GROWTH IN THE CITY." See what I wrote above about parkland in relation to projects in the pipeline. Zoning and Plan amendments are being approved right and left in isolation without looking at the larger picture, the larger impact on the city and its residents.

This MND is inconsistent with goal RCS 2 of the City's General Plan. It prohibits the City from achieving policy RCS 2.1.1 of the General Plan, because 1) it removes useable parkland from the General Plan, and 2) the cumulative impact of removing useable

JBIX-2

JBIX-2

JBIX-2

parkland when other development projects in the city have not been developing parkland either but have been submitting in-lieu fees instead. That is a significant negative impact to the city and its citizens.

JBIX-01

In summary, this Mitigated Negative Declaration is inadequate in many respects:

- A. It supposes to create a "public benefit" of access which already exists.
- B. The "improvement" claim applies solely to appearance, not to any actual increased access or opportunity for access.
- C. It supposes to create a "public benefit" of utilizing green building techniques, which have no practical effect—positive or negative, short-term or long-term—on the general public it is supposed to benefit.
- D. It does not explain how the eastern slope will be preserved or how dark sky lighting will be enforced.
- E. It does not adequately mitigate potential impacts on raptors and their habitat.
- F. It gives too much leeway to the applicant to choose an archeologist when the applicant has a very poor track record when dealing with archeological (cultural) remains.
- G. It willfully defies Huntington Beach General Plan policies and goals concerning recreation (parkland).
- H. It does not address the piecemeal planning that has been occurring (and continues to occur) in the Bolsa Chica area specifically, and the City of Huntington Beach in general, and does not address the cumulative impacts of several nearby development projects on the Bolsa Chica ecosystem.

JBIX-2

An EIR is necessary to address these serious issues.

Sincerely,

Julie E. Bixby

Julie E. Bixby
Huntington Beach, CA

October 9, 2009

Jennifer Villaseñor
City of Huntington Beach
Huntington Beach City Hall
2000 Main Street
Huntington Beach, CA 92648

Subject: MND for The Ridge (SCH # 2009091043)

Via hand delivery and e-mail

Dear Ms. Villaseñor,

Thank you for the opportunity to comment upon the Mitigated Negative Declaration for The Ridge project (MND No. 08-016; SCH # 2009091043) located on approximately 5 acres of property in the City of Huntington Beach, Orange County. These comments are submitted on behalf of the Bolsa Chica Land Trust and myself.

The applicant proposed to construct twenty-two dwelling units, roadways, drainage improvements, private open space amenities, and related infrastructure on the project site. The project would be developed as a Planned Unit Development. In order for development to proceed the following discretionary approvals would be needed:

- General Plan Amendment, changing the site's land use designation from Open Space-Park (OS-P) to Residential Low Density (RL)
- Local Coastal Program Land Use Plan Amendment, changing the site's LUP land use designation from Open Space-Park (OS-P) to Residential Low Density (RL)
- Zoning Amendment, changing the site's zoning designation from Residential Agriculture-Coastal Zone Overlay (RA-CZ) to Residential Low Density-Coastal Zone Overlay (RL-CZ)
- Amendment to Chapter 210.12 of the Zoning Code to allow greater flexibility in provision of required parking, including provision for tandem parking
- Tentative Tract Map
- Coastal Development Permit
- Conditional Use Permit

The site is highly sensitive as part of the Bolsa Chica ecosystem, including but not limited to the Bolsa Chica Ecological Reserve. Resources in the immediate area include an environmentally sensitive habitat area to the east and important cultural resources. Cultural resources include Ca-Ora-83, which is listed by the Native American Heritage Commission registry of sacred sites and was recently determined to be eligible for listing on the National Register of Historic Places. The portion of Ca-Ora-83 on the Brightwater property, to the west, was found to contain human

GEN-1

GEN-2

remains, and was likely a prehistoric cemetery. In an April 8, 2008 letter to the Coastal Commission, Larry Myers the Executive Director of the Native American Heritage Commission states the following:

The NAHC has not received a report clearly showing the dates, locations and details of burial discoveries. At this point based on information available and the large number of burials recovered and associated items, *it appears that the whole area may be a burial ground.* [emphasis added]

GEN-2
conf'd.

The Process

In accordance with Section 21080(d) of the California Environmental Quality Act:

If there is substantial evidence, in light of the whole record before the lead agency, that the project may have a significant effect on the environment, an environmental impact report shall be prepared.

Section 21080(e) defines "substantial evidence" as follows:

- (1) For the purposes of this section and this division, substantial evidence includes fact, a reasonable assumption predicated upon fact, or [emphasis added] expert opinion supported by fact.
- (2) Substantial evidence is not argument, speculation, unsubstantiated opinion or narrative, evidence that is clearly inaccurate or erroneous, or evidence of social or economic impacts that do not contribute to, or are not caused by, physical impacts on the environment.

GEN-3

The courts have held that "relevant personal observations by area residents" may be properly considered substantial evidence. (*Pocket Protectors, v. City of Sacramento* (2004) 124 Cal. App. 4th 903; *Ocean View Estates Homeowners Assn, Inc. v. Montecito Water Dist.* (2004) 116 Cal.App.4th 402; *Arviv Enterprises, Inc. v. South Valley Area Planning Com.*, (2002)101 Cal.App.4th 1347; *Mejia v. City of Los Angeles* (2005) 130 Cal. App. 4th 322.)

As stated in *Citizens for Responsible & Open Government v. City of Grand Terrace*, (2008) 160 Cal. App. 4th 1323:

CEQA provides that generally the governmental agency must prepare an EIR on any project that may have a significant impact on the environment. (§§ 21080, subd. (d), 21100, subd. (a), 21151, subd. (a); *Pala Band of Mission Indians v. County of San Diego* (1998) 68 Cal.App.4th 556, 570-571 [80 Cal. Rptr. 2d 294], quoting *Quail Botanical Gardens Foundation, Inc. v. City of Encinitas* (1994) 29 Cal.App.4th 1597, 1601-1602 [35 Cal. Rptr. 2d 470].) Whenever there is substantial evidence supporting a fair argument that a proposed project may have a significant effect on the environment, an EIR normally is required. (§ 21080, subd. (c)(1); Guidelines, § 15070, subd. (a); *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359, 1399 [43 Cal. Rptr. 2d 170]; *Pocket Protectors v. City of*

Sacramento (2004) 124 Cal.App.4th 903, 927 [21 Cal. Rptr. 3d 791] (*Pocket Protectors*).) "The fair argument standard is a 'low threshold' test for requiring the preparation of an EIR..."

A mitigated negative declaration is one in which "(1) the proposed conditions 'avoid the effects or mitigate the effects to a point where *clearly* no significant effect on the environment would occur, and (2) there is *no substantial evidence* in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment.' (§ 21064.5, italics added.)" (*Architectural Heritage Assn. v. County of Monterey*, *supra*, at p. 1119; see also *Citizens' Com. to Save Our Village v. City of Claremont* (1995) 37 Cal.App.4th 1157, 1167 [44 Cal. Rptr. 2d 288].)

As stated in *Pocket Protectors, v. City of Sacramento* (2004) 124 Cal. App. 4th 903:

Unlike the situation where an EIR has been prepared, neither the lead agency nor a court may "weigh" conflicting substantial evidence to determine whether an EIR must be prepared in the first instance. Guidelines section 15064, subdivision (f)(1) provides in pertinent part: "if a lead agency is presented with a fair argument that a project may have a significant effect on the environment, the lead agency shall prepare an EIR even though it may also be presented with other substantial evidence that the project will not have a significant effect. (*No Oil*, *supra*,] 13 Cal.3d 68)." Thus, as *Claremont* itself recognized, "Consideration is not to be given contrary evidence supporting the preparation of a negative declaration. (*City of Carmel-by-the Sea v. Board of Supervisors* (1986) 183 Cal. App. 3d 229, 244-245 [227 Cal. Rptr. 899]; *Friends of "B" Street v. City of Hayward* (1980) 106 Cal. App. 3d 988 [165 Cal. Rptr. 514]." (*Claremont, supra*, 37 Cal.App.4th at p. 1168.)

It is the function of an EIR, not a negative declaration, to resolve conflicting claims, based on substantial evidence, as to the environmental effects of a project. (See *No Oil, supra*, 13 Cal.3d at p. 85.)

Adoption of a Mitigated Negative Declaration is inappropriate in this case inasmuch as the clear potential for significant adverse impacts on the environment exists. These include but are not limited to impacts on biological resources, cultural resources, land use, noise, air quality, coastal access, hydrology, and aesthetics.

Potential Impacts

As noted above, potential impacts may occur on biological resources, cultural resources, land use, noise, air quality, coastal access, hydrology, and aesthetics. These are described in more detail as follows:

GEN-3
cont'd.

GEN-4

Biological Resources

As described in the City of Huntington Beach General Plan Coastal Element, (pp. C.IV-77 and 78), important biological resources exist on the Parkside site, which abuts the Ridge property on the east:

There are existing and previously delineated wetlands areas that have been filled without authorization and are capable of being restored. Those areas as well as their buffer areas are designated Open Space-Conservation and uses allowed within these areas are limited.

In addition, on the site's western boundary, at the base of the bluff, is a line of eucalyptus trees that continues offsite to the west. These trees are used by raptors for nesting, roosting, and as a base from which to forage. The trees within this "eucalyptus grove" within or adjacent to the subject site's western boundary constitute an environmentally sensitive habitat area (ESHA) due to the important ecosystem functions they provide to a suite of raptor species. The Eucalyptus trees along the southern edge of the Bolsa Chica mesa are used for perching, roosting, or nesting by at least 12 of the 17 species of raptors that are known to occur at Bolsa Chica. Although it is known as the "eucalyptus grove", it also includes several palm trees and pine trees that are also used by raptors and herons. None of the trees are part of a native plant community. Nevertheless, this eucalyptus grove has been recognized as ESHA by multiple agencies since the late 1970's (USFWS, 1979; CDFG 1982, 1985) not because it is part of a native ecosystem, or because the trees in and of themselves warrant protection, but because of the important ecosystem functions it provides. Some of the raptors known to use the grove include the white tailed kite, sharpshinned hawk, Cooper's hawk, and osprey. Many of these species are dependent on both the Bolsa Chica wetlands and the nearby upland areas for their food. These Eucalyptus trees were recognized as ESHA by the Coastal Commission prior to its 2006 certification of this section of this LCP, most recently in the context of the Coastal Commission's approval of the adjacent Brightwater development (coastal development permit 5-05-020).

The Eucalyptus grove in the northwest corner of the site, although separated from the rest of the trees by a gap of about 650 feet, provides the same types of ecological functions as do the rest of the trees bordering the mesa. At least ten species of raptors have been observed in this grove, and Cooper's hawks, a California Species of Special Concern, nested there in 2005 and 2006. Due to the important ecosystem functions of providing perching, roosting and nesting opportunities for a variety of raptors these trees also constitute ESHA.

Additional information regarding the Eucalyptus trees is provided in a July 26, 2006 Coastal Commission staff report on what is known as the Parkside Project (p.31, Agenda Item Tu 8c, August 6, 2006):

GEN

The Eucalyptus ESHA in the northwest corner is known to have supported a nesting pair of white tailed kites in the spring of 2005. In addition to the nesting kites, this area of the Eucalyptus ESHA provides similar roosting and perching opportunities for the suite of raptors.

GEN-5
cont'd.

The need for adequate buffers was then discussed (July 26, 2006 Coastal Commission staff report pp.31-32, Agenda Item Tu 8c, August 6, 2006):

In order to assure the ESHA is protected and remains viable, in addition to precluding nonresource dependent development within the ESHA, a buffer zone around the ESHA must be established. A buffer zone would require that development adjacent to the ESHA be set back an appropriate distance from the ESHA. The setback is intended to move the development far enough away from the ESHA so as to reduce any impacts that may otherwise accrue from the development upon the ESHA and that would significantly degrade the ESHA or be incompatible with its continuance. The distance between the ESHA and development, the buffer zone, must be wide enough to assure that the development would not degrade the ESHA and also would be compatible with the continuance of the ESHA.

For purposes of establishing protective buffers, the eucalyptus grove ESHA boundary should be considered to fall along the drip line of the outermost trees of the grove (see exhibit). The specific area of an appropriate buffer is more difficult to quantify.

GEN-6

There is, to some degree, a subjective approximation element in assigning dimensions to protective habitat buffers or development setbacks. For example, it probably would not be possible to distinguish the different biological effects of a 100-foot buffer compared to a 110-foot buffer or those of a 300-foot-buffer from a 100-meter (328-foot) buffer. We tend to choose round numbers in whatever units we are using. However, the difference between a 100-foot buffer and a 100-meter buffer would provide discernable benefits to wildlife. Commenting on a proposed development that borders the eucalyptus grove ESHA on its western side (coastal development permit application number 5-05-020, Brightwater), wildlife agencies recommended a buffer width of 100 meters. However, the applicant's consultant's for that project recommended a 100 foot buffer. These large differences reflect differing opinions concerning the sensitivity of raptor species to disturbance and differences in opinion concerning the acceptable risk of disturbance impacts to raptors, especially raptors that have the potential for nesting at Bolsa Chica.

In an urban environment development setbacks are usually inadequate to protect all individuals of wildlife species of concern from significant impacts. In an urban setting a buffer is usually no more than one to several hundred meters, and usually less, whereas in a natural setting, a buffer of two kilometers has been found to be significantly more protective. For example, Findlay and Houlihan (1997) found a

negative correlation between species richness in wetlands and the density of roads on land up to 2000 meters from the wetland and concluded that narrow buffer zones were unlikely to protect biodiversity.

Development must be separated from ESHAs by buffers in order to prevent impacts that would significantly degrade those areas. Again, with regard to the Brightwater development, buffer recommendations from the same ESHA included a 150-meter buffer recommendation by Dr. Findlay, of the University of Ottawa. CDFG and USFWS previously recommended the establishment of a 100-meter buffer on the Bolsa Chica Mesa in the 1980's. The Coastal Commission staff ecologist recommended a minimum 100-meter buffer around the eucalyptus ESHA. In further studying the appropriate buffer for the Eucalyptus ESHA, Dr. Dixon (staff ecologist) stated:

The buffer around the Eucalyptus tree ESHA is particularly important if those trees are to continue to function as nesting habitat for a variety of raptors. The California Department of Fish and Game and the U.S. Fish and Wildlife Service recommended a 100-m buffer. A literature review found that raptor biologists recommended buffers for various species of nesting raptors from 200m to 1500 m in width, with the exception of 50-m buffers from visual disturbance for kestrels and prairie falcons ... In an independent review concerning a prior development proposal at Bolsa Chica with 100-foot (30-m) buffers, raptor expert Brian Walton opined that developers "...often rely on buffers that I find largely ineffective for reducing raptor fright/flight response." [and] "[t]hey describe unusual tolerance, habituated individuals or exceptions to normal raptor behavior rather than the more common behavior of wild birds."

The 100 meter buffer recommended by USFWS (1979), CDFG (1982), and by staff is necessary to prevent disturbance to raptors that utilize the eucalyptus ESHA, and, based on raptor expert Peter Bloom's estimates of foraging distances, is also large enough to provide significant foraging opportunities close to the nest. This is particularly important because distant foraging increases the risk of nest predation. White-tailed kites, a fully protected species in California, have frequently nested at Bolsa Chica, and are generally considered relatively sensitive to human disturbance. Therefore, buffers that are adequate to protect nesting white-tailed kites should be adequate for most of the other species that are likely to nest in the eucalyptus ESHA. The following minimum spatial buffers have been recently recommended for nesting white-tailed kites: 100m (Bloom, 2002); 100m (Holmgren, 6.7.2002); 50m (J. Dunk (raptor researcher) in person communication to M. Holmgren, 2002); 46-61m (with "low-frequency and non-disruptive activities"; Froke, 2002). These estimates suggest that a 100-m buffer is probably adequate, but not overly conservative.

GEN-6
cont'd

In addition, grading was to be prohibited within 500 feet of any active nest. (April 1, 2005 Coastal Commission staff report pp.9,12,26,28,68 Agenda Item Th 7a, April 14, 2005).

GEN-6 cont'd

According to EA No. 2008-016 (p. 30), the proposed project would extend to within 140 feet of the ESHA with the nearest residential lot 160 feet from the ESHA. Construction in this area would involve heavy machinery for grading. The proposed buffer, under 50 meters from the ESHA, less than half the 100 meters considered "probably adequate, but not overly conservative" by Coastal Commission staff, would fall far short of the buffer needed for adequate protection of the ESHA. Thus, it is likely that disturbance of raptors utilizing, or attempting to utilize, the Eucalyptus ESHA would sustain adverse impacts.

Exacerbating the situation, fill on the site will result in a situation with "the tops of the trees ..approximately at the proposed pad elevation" (EA p. 30). Incredibly, the EA then notes that this will increase "topographical separation" (EA p. 30) As noted by Coastal Commission staff ecologist, John Dixon (April 1, 2005 Coastal Commission staff report pp.8,12 Agenda Item Th 7a, April 14, 2005; September 24, 2004 Coastal Commission staff report pp. 41,55, Agenda Item W 12g, October 13, 2004; July 29, 2004 Coastal Commission staff report pp. 36,38 Agenda Item Th 23e, August 12, 2004) raptors nest in the tops of the trees. Raptors tend to seek out high points, hence the use of the trees for roosting and nesting in the first place. Thus, topographical separation will *decrease*, not increase. Nearby activities at, and possibly even above, the level of potential nesting sites would be highly disturbing. Thus construction on elevated pads will *increase*, not decrease, impacts on the resource.

GEN-7

EA No. 2008-016 indicates that drainage will be directed to a pipe in Bolsa Chica Street and ultimately into the Bolsa Chica Wetlands after treatment (p.21). The EA does not provide information as to what the treatment will entail or its effectiveness in removing urban pollutants, including such materials as petroleum residues, tire residues, landscape chemicals, and heavy metals. Unless treatment is one hundred percent effective in removing such materials, adverse impacts on the wetlands could occur. In addition, the proposal would redirect drainage currently flowing to the wetlands on the Parkside site, potentially resulting in impacts on those wetlands.

GEN-8

Conditions were imposed on both the Parkside and Brightwater projects to reduce significant impacts due to propagation of additional introduced, invasive plant species (November 1, 2007 Coastal Commission staff report pp.10,41,45,76 Agenda Item W 16a, November 14, 2007; September 22, 2005 Coastal Commission staff report pp. 4,30,31,106, Agenda Item Th 11a, October 13, 2005). EA No. 2008-016 fails to mitigate or even identify this potentially significant impact. Absent measures which would ensure that invasive species are not planted on the site, it cannot be concluded that no impact would occur.

GEN-9

Conditions were imposed on both the Parkside and Brightwater projects to reduce significant impacts due to predation by domestic pets including cats and dogs (November 1, 2007 Coastal Commission staff report pp.11,41,45, Agenda Item W 16a, November 14, 2007; September 22, 2005 Coastal Commission staff report pp.20,27,28,29,34, Agenda Item Th 11a, October 13, 2005). EA No. 2008-016 fails to mitigate or even identify this potentially significant impact. Absent measures which would ensure that domestic pets are fully controlled at all times, it cannot be concluded that no impact would occur.

GEN-10

Potential impacts would occur due to increased light, glare and noise, with potential impacts on sensitive species. Even if lighting were directed downward, this could result in lighting directed down toward ESHA to the east.

GEN-11

All of these significant impacts on biological resources must be examined in an environmental impact report.

Air Quality

EA No. 2008-016 provides information regarding air pollutant emissions during construction and concludes that no impact will occur, based on the project's contribution to regional emissions (EA p. 24). However, the project fails to take into consideration localized effects.

The South Coast Air Quality Management District (SCAQMD) has developed methodology for determining the localized significance of air emissions. For construction projects of approximately 5 acres in the North Coastal Orange County Source Receptor Area, SCAQMD has developed the following localized significance thresholds:

Localized PM₁₀ Emissions Thresholds for Construction
North Coastal Orange County (SRA 18)

Receptor distance (meters) from site boundary	25	50	100	200	500
LST (lb/day)	14	44	57	85	167

Source: SCAQMD, Localized Significance Threshold Methodology, Table C-4, PM₁₀ Emission Thresholds for Construction

GEN-12

As noted in EA No. 2008-016(p. 24), the proposed project is anticipated to generate 26.26 pounds per day of PM₁₀, i.e. fine particulates less than 10 microns in diameter, thus exceeding the localized significance threshold for source receptors within twenty-five meters (approximately eighty-two feet) of the site boundary. This would affect nearby residents, natural habitat, and the thirty-foot-wide pathway at the northerly site boundary which is utilized by large numbers of school children daily on their way to school.

Construction emissions will result in a significant localized air quality impact which must be examined in an environmental impact report.

Noise

Development of the site will result in increased noise during construction and upon occupation of the site. Noise from concrete mixers (85 dBA at 50 feet), generators (81 dBA at 50 feet) and other construction equipment (74 to 98 dBA at 50 feet) would be well above ambient noise levels, affecting nearby residents as well as wildlife.

GEN-13

Construction haul routes are not identified in the EA. Noise would also be generated along those routes, with fully loaded trucks typically generating noise levels of 88dBA at fifty feet. At least a portion of any haul route would be along residential streets, creating noise levels well in excess of ambient noise levels in residential areas.

EA No. 2008-016 indicates that the the applicant is "proposing to utilize noise mufflers on all heavy equipment" (p.33). However, EA No. 2008-016 fails to reveal how much the proposed mufflers would reduce the clearly significant noise impact nor ensure that what the applicant "is proposing" would actually be implemented.

Construction noise is a significant impact which must be examined in an environmental impact report.

Aesthetics

Views of the site will sustain significant adverse impacts due to implementation of the proposed project. Open space would be replaced by housing and night time views would include additional outdoor lighting. Views across the site from existing public streets and paths toward the Reserve and other open space would be lost.

Impacts would be greatest from the existing public pathway in the thirty-foot-wide city parcel extending along the northerly boundary of the site. Numerous people currently utilize the pathway for recreational purposes and as a pleasant transportation alternative to riding a bicycle on the street with vehicular traffic. As shown in cross sections in Attachment 2.1 to the EA, a solid wall up to eight feet in height will be constructed, totally blocking any views from the public parcel and creating a tunnel effect similar to that created along Los Patos by the Brightwater development. The public will lose all visual access to coastal resources in this area. No "meandering pathway" or "landscaped buffer" (EA, p. 2) can compensate for this loss.

Aesthetic impacts, particularly loss of views from public areas, must be examined in an environmental impact report.

Hydrology and Water Quality

EA No. 2008-016 indicates that drainage will be directed to a pipe in Bolsa Chica Street and ultimately into the Bolsa Chica Wetlands after treatment (p.21), thereby altering existing drainage patterns. Surface water currently flowing to the wetlands on the Parkside site, would thus be reduced.

The EA indicates that low flows would be retained on-site (p. 21). This would be consistent with California Water Resources Control Board Order No. WQ-2000-11 and Santa Ana Regional Water Quality Control Board Santa Ana Region Order No. R8-2009-0030, NPDES No. CAS618030, which require the retention or treatment of low flows up to an 85th percentile storm event. Low flows from the proposed project would percolate into the ground, although no information is provided regarding subsurface conditions. Future lateral movement of what will become subsurface waters must be considered. Will drainage ultimately travel to

GEN-1
cont'd.

GEN-12

GEN-15

the bluffs, resulting in increased bluff erosion? Bluff erosion is an ongoing process at Bolsa Chica. Recently, plans for a foot-bridge along Warner, west of the project site, had to be revised to respond to the several feet of bluff erosion that had occurred in just the few short years of the planning process for the foot-bridge. Any increase in drainage in bluff areas would thus be potentially significant.

GEN-15
cont'd,

Impacts on drainage must be examined in an environmental impact report.

Land Use

The proposed project would result in the development of approximately five acres of open space land currently designated for open space under the general plan and local coastal program. This is a significant impact, made all the more significant when considered in conjunction with other proposed and recent development in the area, including the Brightwater project, Parkside development, and the Goodell parcel.

The project would eliminate five acres of potential future parks while creating a demand for an additional 0.29 acres (12,415 square feet) of park land, based on a future population of 57 residents (EA p. 15) and a general plan standard of five acres of park land for each one thousand residents (EA p. 41). While the applicant would be required to dedicate land or pay in-lieu park fees, this would not necessarily eliminate potential impacts. In-lieu fees must be utilized to provide park facilities for the project from which they are generated (Government Code Sec. 66477(a)(3)). The Huntington Beach Recreation and Community Service Element does not identify any new locations in the nearby area for future local parks which would be available to serve future residents of the proposed project. The project thus fails to meet general plan goals for park land.

GEN-16

These significant impacts on land use must be examined in an environmental impact report.

Transportation/Access

EA No. 2008-016 identifies potential impacts on parking, circulation and pedestrians during construction, particularly during earth hauling activities (p. 28). The EA then notes that the project would "not impact a large number of surrounding residential uses", implying that some "not large" number of residents would sustain an impact, possibly a significant one. The EA fails to define "not large". Would the dozens of dwelling units taking access to Bolsa Chica Street at Dorado Drive be "not a large number"? What about the seventy-one-unit apartment building on Bolsa Chica Street? In any case, impacts would be significant even if only a couple of homes were affected.

GEN-17

The proposed project would provide a portion of the required parking as tandem spaces. As noted in EA No. 2008-016 (p. 39), "This may...result in more on-street parking spaces being occupied more often". This would then reduce available street parking for guests and other visitors, such as repair people. A dearth of available street parking would potentially spill out onto nearby public streets, resulting in reduced parking available for the general public seeking to access coastal resources. This is a significant impact.

Impacts due to construction and proposed parking configurations must be examined in an environmental impact report.

GEN-17
cont'd.

Cultural resources

The project site contains CA-ORA-86 a site which is often considered in conjunction with CA-ORA-144 and CA-ORA-83. As noted in EA No. 2008, 016 (p. 40), the site has been subject to previous studies. It is extremely disappointing that the EA belittles the significance of on-site archaeological resources, describing the site as disturbed and likely to yield little of value in language reminiscent of environmental documents for the Brightwater site which had also been subject to numerous previous studies. As we now know, CA-ORA-83 at the Brightwater development site to the west has yielded numerous cog stones and human remains not acknowledged or anticipated in environmental documents for the project, resulting in a tragic loss of cultural values and desecration of burial sites. CA-ORA-83 extends east of the Brightwater site, across the Bolsa Chica Street alignment.

In any case, the loss of any additional cultural resources in this area would constitute a significant adverse effect, even if resources are documented and recovered. As stated by Susan Stratton, supervising archeologist at the California Office of Historic Preservation, commenting on CA-ORA-83:

GEN-18

I don't see how you can mitigate for this. Let's say you completely destroy a building. How are you going to compensate for the destruction? Maybe you build a replica. But in this case you have an archeological site and it's a non-renewable resource so whatever remains of this particular site, it's forever. It will never be duplicated. You can't build a replica of this.

Archaeological sites are fragile and non-renewable. Archaeological "recovery" is a destructive process. It is essential that on-site cultural resources be preserved at their existing location for future generations with advanced archaeological techniques that can provide answers to the questions we cannot answer with today's technology and that is non-destructive.

Impacts on cultural resources must be examined in an environmental impact report in light of what has occurred on the Brightwater site to the west.

Cumulative Impacts

In addition to the many significant environmental impacts to be created by the proposed project when considered on its own, the project will contribute to cumulative impacts generated by other, related development in the area, including projects at Brightwater, Parkside, and the Goodell site, which is also currently in process. This will result in significant cumulative impacts on air quality, noise, traffic, loss of habitat, and loss of open space to name a few. It is particularly puzzling that separate MNDs would be processed for the adjacent Ridge and Goodell sites at the same time, rather than examining the impacts of development of the area in one environmental document.

GEN-19

Conclusion

Based on the above, it cannot be assured that no significant adverse impacts will occur as a result of the proposed project. On the contrary, it is likely that impacts can and will occur. Thus, the proposed MND should not be adopted.

GEN-20

Thank you for the opportunity to comment. Please keep us informed as this project proceeds.

Yours Truly,



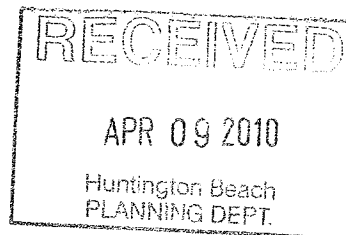
Sandra L. Genis

APPENDIX B

Comments on Recirculated draft MND No. 08-016
(Comment Period 3/4/10 – 4/2/10)

DEPARTMENT OF TRANSPORTATION

District 12
3337 Michelson Drive, Suite 380
Irvine, CA 92612-8894
Tel: (949) 724-2267
Fax: (949) 724-2592



*Flex your power!
Be energy efficient!*

April 5, 2010

Ms. Jennifer Villaseñor
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

File: IGR/CEQA
SCH #: 2009091043
Log #: 2350B
SR-1

Subject: "The Ridge" 22-unit Planned Unit Development

Dear Ms. Villaseñor:

Thank you for the opportunity to review and comment on the **Recirculated Mitigated Negative Declaration for "The Ridge" 22-unit Planned Unit Development project**. The proposed project involves a request to amend the land use and zoning designations on an existing approximately 5-acre parcel for the subdivision and development of a 22-unit single-family planned unit development (PUD) with a 5,776 square foot common open space area. The project site is located at the southeast corner of Bolsa Chica Street and Los Patos Avenue in the City of Huntington Beach.

The California Department of Transportation, District 12 is a commenting agency on this project, and has no comment at this time.

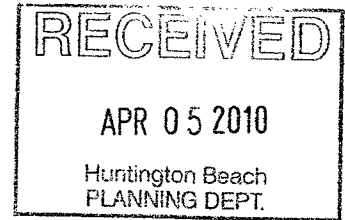
Please continue to keep us informed of this project and any future developments which could potentially impact State transportation facilities. If you have any questions or need to contact us, please do not hesitate to call Zhongping (John) Xu at (949) 724-2338.

Sincerely,

CHRISTOPHER HERRE
Branch Chief, Local Development/Intergovernmental Review

c: Terry Roberts, Office of Planning and Research

From: Michelle O'Brien
Member of Bolsa Chica Land Trust
16282 Serenade Lane
Huntington Beach, CA 92647



To: Jennifer Villaseñor
City of Huntington Beach Planning Dept.
2000 Main Street
Huntington Beach, CA 92648

Hi Jennifer,

This is a request for your department to deny approval for building anything on "The Ridge". The City of Huntington Beach needs this open space for the wildlife that resides there. Once it is built upon, it is too late to change it back. It will have a negative effect on the wetlands if it is developed. The Bolsa Chica Wetlands are unique, rare and very majestic. We should do everything we can to preserve this area. It is a sanctuary for both people and birds to visit. Adults and kids alike, are working together to restore the wetlands back to their natural state. Future generations need to be able to visit and see for themselves how beautiful the wetlands really are. I am not an environmentalist, but I do understand the need to leave this space untouched and open. Thank you for taking the time to read my letter.

OBRI-1

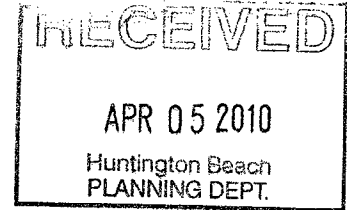
Sincerely,

A handwritten signature in cursive script that reads "Michelle O'Brien".

Michelle O'Brien
Concerned HB Resident

ATTACHMENT NO. 9.108

David E. Hamilton
5401 Kenilworth Drive
Huntington Beach, CA 92649
Phone: (714) 840-8901
E-mail: de.hamilton@verizon.net



April 2, 2010

City of Huntington Beach
Planning Department
Attn: Jennifer Villaseñor
2000 Main Street
Huntington Beach, CA 92648
Fax letter: 714-374-1648

Re: Recirculated Draft Mitigated Negative Declaration No. 08-016 ("The Ridge")

Dear Ms. Villaseñor,

I am confused about the subject proposed development. How does a resident of HB make life choices when planning documentation seems to lack integrity?

I purchased my home on Kenilworth Drive in large part to be near open space. The Shea/Parkside parcel was then owned by MWD and designated "open space/wetlands" on City and County planning maps. Since then, the MWD parcel was sold to Shea Homes, a housing developer. A development was proposed that included an 8-acre active park, hence the name "Parkside." This 8-acre park was repeatedly used as justification for the development due to a shortage of active park space in this region of Huntington Beach. Subsequently, the north 30 feet of the "Ridge" parcel was dedicated/deeded for public access from the west to the adjacent 8-acre park within "Parkside." Also, planning maps had the 5-acre "Ridge" parcel designated as "open space park."

HAM-1

Fast forward to the present. "Parkside" was approved with the 8-acre active park reduced to one acre. The 30-foot strip of the "Ridge" parcel is no longer adjacent to this 1-acre park. (Should we call the strip: "Public access to nowhere"?) Also, this 1-acre of active park is no longer adjacent to even the Kenilworth tract. The real head-scratcher though is that the "Ridge" parcel is no longer designated as open space park but is now a proposed 22-unit housing development.

HAM-2

From my viewpoint, the overall planning/approval process for this area seems rather piecemeal. We do need some active parkspace in this area of HB—that's a given. How does this given need go from "justification" in one process to "unnecessary" in another? These processes look more like developer accommodation than true planning. I'm confused and concerned by the seeming inconsistencies in Huntington Beach's residential planning. I would appreciate you or someone from the planning department addressing my concerns. I look forward to your comments.

HAM-3

Regards,

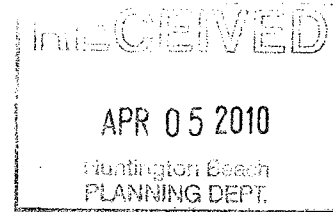
David Hamilton
Huntington Beach Resident
de.hamilton@verizon.net
Ph: (714) 840-8901

ATTACHMENT NO. 9.109

FAX 714-374-1648

Friday, April 2, 2010

R. Rubel and S. Rubel
5421 Neargate Drive
Huntington Beach, CA 92649



Planning
Scott Hess, Director of Planning
714-536-5271
fax 714-374-1648

**SUBJECT: PLEASE KEEP THE PARK ZONING; PROTECT THE WILDLIFE
AND THE BEAUTY OF HUNTINGTON BEACH**

We want to protect the "park zone status for the 5 acres at the southeast corner of Los Patos and Bolsa Chica St. It is zoned for a park;" **DO NOT BUILD HOUSES ON THIS WILDLIFE RESERVE.**

We want to keep the zoning as a park to protect the wildlife and to keep the last parks and beauty that Huntington Beach deserves and desperately needs. We must protect our wildlife.

PROTECT THE PARK,

RUB-1

R. Rubel

concur S. Rubel

ATTACHMENT NO. 9.110



HUNTINGTON BEACH TOMORROW

P. O. BOX 865, HUNTINGTON BEACH, CA 92648

"Making a difference today for Huntington Beach tomorrow"

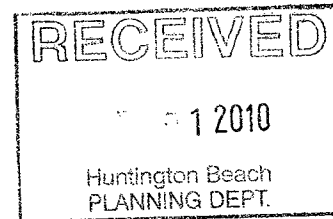
Phone: (714) 840-4015

E-Mail: info@hbtomorrow.org

Website: www.hbtomorrow.org

March 31, 2010

Jennifer Villaseñor
Associate Planner
City of Huntington Beach
2000 Main Street
Huntington Beach, California 92648



Subject: The Ridge Draft Mitigated Negative Declaration No. 08-016

Dear Ms. Villaseñor and Planning Commission:

Huntington Beach Tomorrow requests additional consideration of the following regarding Hearthsides' request.

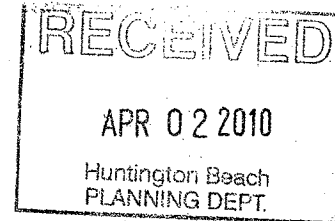
- Lower intensity zoning would result in less grading and fill than the proposed 6.4 units per acre proposed on a sandy soil base.] HBT-1
- Does annexation come before or after taking action?] HBT-2
- More parking must be provided for the proposed 22 residences at 2700 to 4200 sq. ft. Tandem and open parking on a driveway is not sufficient. Where will guests and visitors park if only one parking space is required and in 10 of 22 units parking is identified by street parking? One tandem car space in a 3-car garage might work on 55' wide lots backing to an alley but not on these more narrow lots. Where will residents park for street sweeping?] HBT-3
- A conditional use permit for more than three feet grade differential should not be issued. Grading at street grade near Bolsa Chica, then adding three to nine feet of fill on the eastern edge of the Shea property is too much volume of cut and fill dirt. The water table adjacent to wetlands varies and tends to be much higher than can be determined by one test in one part of the site. When the sandy subsoil is subjected to the weight of nine feet of fill, added to the digging out of eight feet of soil in the higher part of the site, it will affect the adjoining wetlands. Compacting sandy soil is not a safe way to build even with drainage pointed northward to Bolsa Chica rather than as now into the wetlands.] HBT-4
- IIIc (page 16) should be labeled potentially significant unless mitigation is incorporated. Onsite drains are needed with this volume of site coverage by the footprint and weight of the structures on fill soil. Using pavers for drives does allow for some percolation of water but requires more weeding. Who would maintain pavers by the alleys?] HBT-5
- Efflorescence is an ongoing problem in the Landmark Bolsa tracts adjoining the wetlands. Further investigation is needed of whether special concrete foundations to resist mineral deterioration should be used. The boron in soil comes up, the salt comes up; it would more likely come up in sandy soil than in clay soil found in the Landmark Bolsa tracts adjoining Talbert, Springdale and Edwards.] HBT-6

This parcel was designated to be park open space when the Hearthsides Brightwater project was approved and should not be developed.] HBT-7

Karen Jackle
President

ATTACHMENT NO. 9.111

Gerald L. Chapman
6742 Shire Circle
Huntington Beach, California 92648
714-842-3345



April 2, 2010

Jennifer Villaseñor
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

Re: Recirculated Draft Mitigated Negative Declaration for The Ridge No. 2008-016

Dear Ms. Villaseñor:

I would like to thank you for the opportunity to comment on the Recirculated Draft Mitigated Negative Declaration for The Ridge project No. 2008-016. These comments are submitted on behalf of me and the Bolsa Chica Land Trust. I also request that my previous comments on this project's Draft Mitigated Negative Declaration be included in the public record for the Recirculated Draft Mitigated Negative Declaration.

CUTURAL RESOURCES

The archaeological report prepared by Scientific Resource Surveys Inc. in May 2009, reports that 33 separate archeological investigations were made on the Ridge property and that the results of those investigations show that it is not anticipated that significant deposits will be discovered during construction of the project. These same conclusions were previously made by SRS for the nearby Hearthside project and were found to be wrong as shown in documents presented by the Bolsa Chica Land Trust in the Draft Mitigated Negative Declaration process for this project. The 33 investigations have not to date been made available for public review during RDMND process. If the City is basing the RDMND on those investigations, it should have reviewed them and should make them available for public review during the process. The comment period for the RDMND should be extended until these investigations are made available and the public has had time to review them.

CHAP-1

PEER REVIEW

Following section **CR-2** the RDMND states that "It should be noted that the May 2009 SRS report was reviewed by the archeologists from the Bolsa Chica Peer Review Committee. The peer reviewers confirmed that required mitigation would be limited to monitoring during grading and ground disturbing activities. The peer reviewers also concluded that mitigations measures requiring preservation or

CHAP-2

ATTACHMENT NO. 9.112

additional data recovery are not necessary. Therefore, with the implementation of mitigation measures CR-1 and CR-2, potential impacts to cultural resources would be less than significant." The developer's past history of not following these same mitigations on the Hearthside project makes one question their value in protecting the cultural resources on this project.

In order for Peer Review to meet its objective of an unbiased review, it must be truly independent with no perception of a conflict of interest. This brings up many questions as to how independent the three reviewers on the committee are:

1. Who wrote the peer review committee letter? It appears to have been compiled from at least two separate letters as the fonts and the lines in the signature section of the letter do not match. (attachment)
2. Who put together the list of qualified peer reviewers? If it was done by the project's archeologist, it is not independent.
3. Who selected the peer reviewers? If it was the project's archeologist, it is not independent.
4. Were the peer reviewers paid? If they were, who paid them?
5. Have the peer reviewers ever worked for SRS?

These questions should be answered before the Bolsa Chica Peer Review Committee's letter can be relied upon for approving the RDMND.

There is a "Fair Argument" that The Ridge development will cause significant negative impacts to the CULTURAL RESOURCES; therefore, CEQA requires an EIR to properly analyze the impacts and to provide mitigation to a less than significant level.

Sincerely,



Gerald L. Chapman

Attachment:

Bolsa Chica Peer Review Committee letter

CHAP -
cont'd.

CHAF - 2

ATTACHMENT

December 10, 2009

Dr. Nancy Anastasia Wiley
Scientific Resource Surveys, Inc.
2324 N. Batavia Street, Suite 109
Orange, CA 92865

Re: Status and Recommendations for CA-ORA-86, Bolsa Chica Area, Orange County

Dear Dr. Desautels,

I have reviewed "Archaeological Abstract: Archaeological Site CA-ORA-86: Herring's Site E" prepared by Scientific Resource Surveys, Inc. (SRS) and dated May, 2009. The report demonstrates that CA-ORA-86 has been the subject of 33 archaeological investigations beginning in the 1920s. These investigations indicate that the site has been greatly disturbed and most of the remaining midden has been redeposited as a result of twentieth century agricultural activities (chisel plowing, ripping, terracing, and deposition of peat from the marsh). In addition, the northern part of the site has been destroyed by residential development. The most recent investigation by SRS in 2001 was especially comprehensive and consisted of surface survey, surface artifact and shell collection, a systematic auger program, a backhoe trenching program, and hand excavation. The results of this investigation showed that the only intact archaeological deposit in the site was located in the southeastern part of the site on the bluff edge. This area yielded a subsurface feature (an oval depression), a large quantity of unbroken shell, and artifacts. Data recovery was carried out to document the feature and recover the associated artifacts and ecofacts.

Now that data recovery has been completed in the only intact portion of the site and, given that the rest of the site is no longer intact, CA-ORA-86 has no more potential to yield data important in prehistory and, therefore, is not eligible for the California Register of Historical Resources under Criterion 4. Therefore, other than grading monitoring, mitigation measures that would require preservation or data recovery are not necessary.

I recommend that grading and other ground disturbing activities at CA-ORA-86 be monitored by archaeological and Native American monitors so that, although unlikely, any remaining intact deposits will be identified.

Sincerely,

Roger D. Mason

Roger D. Mason, Ph.D., RPA
Archaeologist
Member, Bolsa Chica Peer Review Committee

Henry C. Koerper

Henry C. Koerper, Ph.D.
Archaeologist
Member, Bolsa Chica
Peer Review Committee

Paul G. Chaco

Paul G. Chaco, Ph.D.
Archaeologist
Member, Bolsa Chica
Peer Review Committee

ATTACHMENT NO. 9.114



Amigos de Bolsa Chica

P.O. Box 1563 Huntington Beach, CA 92647

Phone / Fax 714 840 1575 info@amigosdebolsachica.org www.amigosdebolsachica.org

April 2, 2010

Jennifer Villaseñor, Associate Planner
City of Huntington Beach
2000 Main St.,
Huntington Beach, CA
Via FAX (714) 374 1540

RE: Hearthside/Ridge PUD

Dear Ms. Villaseñor:

Thank you for the opportunity to offer comments regarding the recirculated Mitigated Negative Declaration for the Ridge project.

Our main concerns have to do with the handling of nuisance and storm runoff and the impact the project would have on wildlife.

The applicant's explanations of how nuisance runoff is dealt with is incomplete. It appears that the runoff is simply diverted into "open space", possibly a lagoon or lake? If this is true, what provisions are being planned for maintenance such as vector control, algal growth and safety?

ABC-1

The use of porous pavers to allow runoff to percolate into the soil below parking spaces and driveways seems ill-advised. What becomes of the toxic fluids that invariably leak from vehicles that will accompany the runoff? The explanation refers to the pavers as pre-treating the runoff. How does that work?

ABC-2

Storm runoff will apparently be diverted to the outfall that serves the applicant's Brightwater development. Is the capacity of that system sufficient to accommodate the Ridge storm runoff?

ABC-3

In discussing the project's impact on raptors in the nearby eucalyptus ESHA, while the applicant has dropped its explanation of the project's impact in terms of a "topographic separation", the fact remains that a 100 meter buffer is the standard for the protection of such ESHAs. In this project the closest residential lot is 53 meters from the ESHA and the furthest is 87 meters. It has been established (July 28, 2006 and January 31, 2007 memos from Dr. John

ABC-4

ATTACHMENT NO. 9.115

Hearthside/Ridge PUD
Amigos de Bolsa Chica comments

-2-

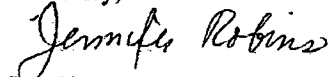
Dixon to the California Coastal Commission) that *passive* recreational activities could be allowed within the outer 33 meters of the 100 meter buffer zone, and where feasible, be limited to the outer 10 meters. The closest residential lot in the Ridge project penetrates the more sensitive buffer zone by 13 meters or 43 feet. "Passive recreational activities" involve hiking and bird watching while backyard recreational activities normally involve active pursuits such as net sports and swimming pool games as well as social gatherings. These hardly constitute "stationary human presence", as the applicant's consultant puts it. The same consultant reports Cooper's hawks nesting in the ESHA within 50 feet of the nearby condominium complex. Of all the raptors, Cooper's hawks are the most tolerant of humans. This cannot be said of the other raptors that use the ESHA. In addition, the condominium complex that faces the ESHA consists of the backside of the building with small balconies, and a parking lot, not sources of active recreational activities.

ABC-4
cont'd.

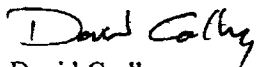
We thus recommend the city require the applicant to clarify the questions related to dealing with urban runoff and most importantly, alter their plan to conform to the 100 meter ESHA buffer.

ABC-5

Sincerely,



Jennifer Robins
President



David Carlberg
Immediate Past President

ATTACHMENT NO. 9.116

March 31, 2010

City of Huntington Beach
Attn: Jennifer Villaseñor, Planning
2000 Main St
Huntington Beach, CA 92648

RE: Recirculated Environmental Assessment No. 2008-016 "The Ridge"

Ms. Villaseñor,

The Recirculated Mitigated Negative Declaration (RMND) remains a flawed assessment of environmental impacts of this project. On behalf of myself and the Bolsa Chica Land Trust, I would like to point out the following issues.

1) OTHER PREVIOUS RELATED ENVIRONMENTAL DOCUMENTATION

The RMND, as did the original MND, simply states "none" to this question. After close of comments on the original MND, I discovered that the adjacent Sandover project had a direct connection to the Ridge project and reported this finding to City staff.

"The parkland dedication requirement will be satisfied by dedicating a 30 foot wide easement along the north property line of the open space lot located east of the project site. The easement will provide pedestrian and vehicular maintenance access to the proposed public park located approximately 400 feet east of the project site. This easement dedication was recommended by staff and supported by the applicant." (Sandover staff report)

JBIX-1

The Ridge MND/RMND makes repeated reference to this 30-foot parcel. Although the parcel itself is not mentioned in the Sandover MND (it only mentions generally that land dedication or payment of fees will be required), the city-owned parcel *would not exist* were it not for the Sandover project. You could not have any discussion of the parcel in the second document had it not been created by the actions and requirements in the first document—it's a direct link. For complete disclosure, the Sandover MND should be mentioned as a previous related environmental document, since without the prior project the Ridge MND/RMND loses one of its key components.

2) RECREATION IMPACTS

The RMND adds this sentence on page 46:

"ALTHOUGH THIS PARCEL IS CURRENTLY USED BY PEOPLE THAT ARE FAMILIAR WITH THE AREA, THE IMPROVEMENTS WILL PROVIDE FOR

JBIX-2

ATTACHMENT NO. 9.117

NOTICEABLE ACCESS FROM BOLSA CHICA STREET AND WILL ENHANCE PUBLIC ACCESS OPPORTUNITIES."

The point of this sentence is unclear. Finally, yes, a reluctant admission that the city-owned parcel is already publically accessible and already used by the public. But what does "noticeable access" mean? Does it mean signs (notice) will be put up indicating "Bolsa Chica access this way", as Brightwater signs do? If so, what is the point of directing people east towards an uneven, unofficial trail rather than south towards a graded, official pathway? If someone decides to follow the signs east, then has an accident on the uneven section of the trail, would they sue the city for negligence? Would the city need to put up a notice (noticeable) sign at the city parcel/Shea border to warn people that they continue at their own risk?

And if "noticeable" access does not refer to signs, then what does it mean?

Regarding the "enhance public access opportunities"—rather than repeat the "improve public access opportunities" claim found elsewhere in the RMND, a new tactic is tried with the word "enhance." A rose by any other name... The enhancement, or improvement, is "... a 6-foot wide path and a landscape buffer." (pg 42)

The Aesthetics section states the impact correctly: "These distances combined with landscaping proposed for the 30foot wide area would function to buffer aesthetic impacts to existing residential units from development on the project site." (pg 42)

The problem is reaching beyond the facts of aesthetic improvement into the realm of marketing embellishment by making a public benefit claim of "enhanced" or "improved" coastal access and opportunities. Nowhere is it explained *how* landscaping improves coastal access or improves opportunities for coastal access—it's an unsubstantiated claim. When I think of landscaping I think of beautification, not recreation. It would be helpful if the staff report gave examples of how other projects improved coastal access/opportunity with landscaping.

3) BIOLOGICAL RESOURCES

Another perplexing addition to the RMND is on page 33:

"FURTHERMORE, THE BIOLOGICAL RESOURCES REPORT STATES THAT RAPTORS ARE MORE LIKELY TO HABITUATE TO STATIONARY HUMAN PRESENCE ASSOCIATED WITH RESIDENCES THAN THEY ARE TO HIKERS, DOG WALKERS AND BIRD WATCHERS THAT CURRENTLY FREQUENT THE AREA."

"Stationary human presence associated with residences"? What does that mean, that mannequins will be living in these houses? No one living at the Ridge will have a loud, bright lights, late night party or go biking or jogging with their dogs? In fact, this new Biological statement directly contradicts other sections of the RMND that talk about improvements to coastal access. Improved access implies that *more* people will hike and

JBIX-2
cont'd.

JBIX-3

walk their dogs and watch the birds in question thanks to the improvements. Isn't that the point of "improved" opportunities for access, increased usage?

JBIX-3
cont'd.

So what is going on here?

1) The Biology section claims no impact to raptors from the project, particularly since residences have less impact upon raptors than pedestrians.

2) The Noise section states that "more people may use the (improved) path", thereby potentially increasing pedestrian disturbance to the raptors.

3) The Recreation section claims "... the project would further recreational opportunities" to the coast from the improved pathway, thereby potentially increasing pedestrian disturbance to the raptors.

JBIX-4

4) The Biological section says that ambulatory pedestrians are more disturbing to raptors than stationary residences.

Not only is the RMND now at odds with itself (no impact from project vs. potential impact from project), but the RMND contains no mitigation for the potentially increased disturbance to raptors from increased use of the improved 30-foot path (Noise & Recreation sections)!

How sad that this MND/RMND ignores documented history, leans on marketing hype, and writes off increased human disturbance to make its case. Fair argument exists that these increased disturbances could have significant negative impacts upon the adjacent ESHA, and therefore an EIR is required under CEQA.

JBIX-5

Julie E. Bixby

Julie E. Bixby

April 1, 2010

City of Huntington Beach Planning Department
ATTN: Jennifer Villasenor
2000 Main St.
Huntington Beach, CA 92648

Re: RECIRCULATED Draft Mitigated Negative Declaration No. 08-016 ("The Ridge")

Dear Ms. Villasenor,

I am writing on behalf of myself and the Bolsa Chica Land Trust to express the following concerns with "The Ridge" RECIRCULATED Draft Mitigated Negative Declaration No. 08-016. My previous comment letter dated October 7, 2009 for the original MND circulation is still relevant and should be considered part of the public record for this RMND.

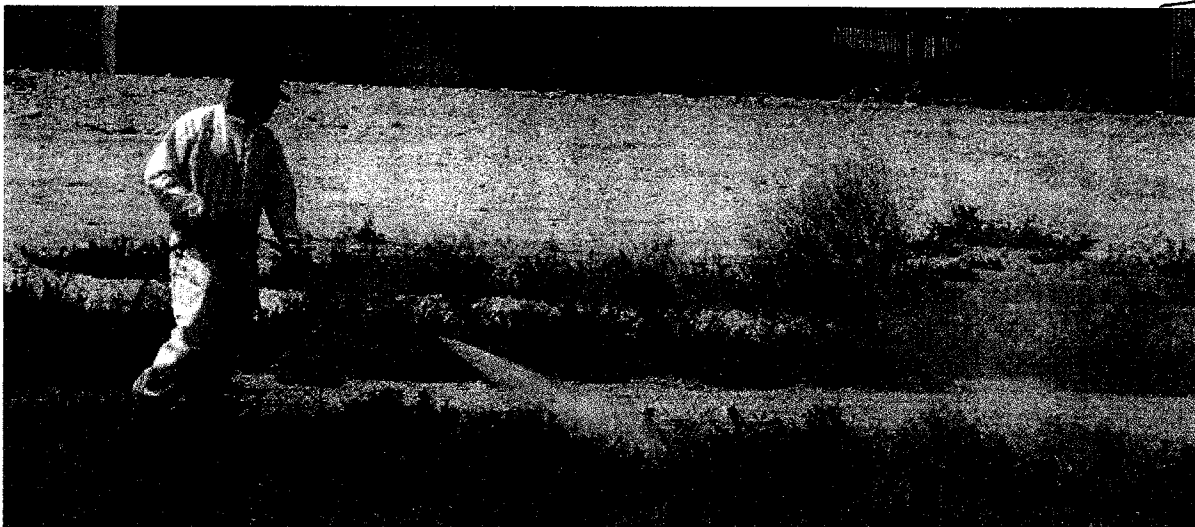
Vegetation

Page 9 of the LSA Biological Resources Assessment dated March 2010 states:

"The 4.72 ac study area is currently within undeveloped land that has been subject to various disturbances over many decades, including agriculture, previous grading, and equipment and materials storage. Existing vegetation communities are classified here as Disturbed or Barren (i.e., gravel staging area) and Other Disturbed Areas (i.e., fallow agriculture). Vegetation communities are well defined since the property has been fenced for many years and the property has had relatively few unauthorized human disturbances (e.g., off-road vehicle or pedestrian use)."

MBIX-7

This neglects to mention that although agricultural use ceased once the parcel became a staging area for Brightwater construction, residents in the properties to the north report that the entire Ridge parcel is regularly sprayed with herbicide to kill all vegetation. This continued, regular use of herbicide precludes drawing any meaningful conclusions from the vegetation survey data presented in the assessment. This photo shows such spraying in progress on August 9, 2009:



ATTACHMENT NO. 9.120

Southern Tarplant

I have been mapping southern tarplant on the adjacent Shea and Goodell properties on an annual basis for the past few years. The southern tarplant nearest to the Ridge has been found on the Goodell property approximately 215ft south of the southern Ridge boundary.

The extent of southern tarplant on both the Shea and Goodell properties has been slowly increasing the past few years. It would be interesting to see whether southern tarplant would be able to colonize the Ridge parcel if the regular herbicide use was suspended.

MBIX-3

Indirect Impacts from Pet Access to ESHA

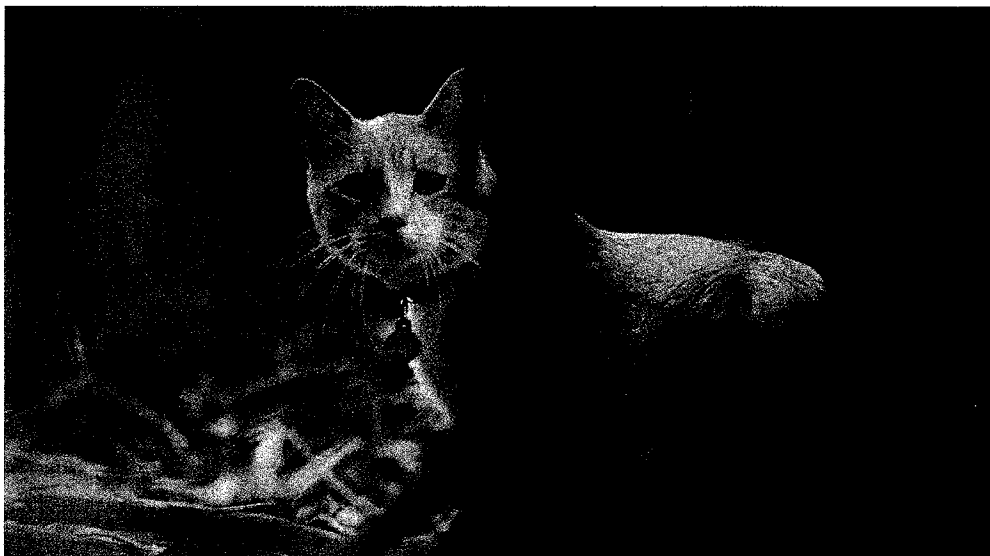
The LSA biological assessment states on p.13 under "Indirect Impacts":

"Fencing the development with a masonry wall and a wrought-iron fence will provide privacy and limit disturbance to the areas surrounding the development. An approximately 4 ft, 6 ft, and 7 ft high masonry wall will be constructed around the northern, western, and southern project boundaries, respectively. An 8 ft high wrought-iron fence (as measured from the outer slope) will be constructed along the eastern boundary, which separates the development from the preserved habitat to the east. The fencing will function to deter human and pet access directly from the residences to the adjacent preserve area."

MBIX-3

The masonry wall heights are too low to deter cats, and if the 8ft high wrought-iron fence will be of similar vertical bar style to the existing Cabo del Mar fence to preserve the views from the eastern Ridge homes, cats will be able to easily pass through. Construction of The Ridge will worsen the problem of cat access to Bolsa Chica.

Cats from the existing residences north of the Ridge site already access the Shea eucalyptus north grove raptor ESHA. On April 23, 2005, I photographed this cat prowling around in the north grove ESHA:



Raptor Flushing and ESHA Buffers

The LSA biological assessment presents raptor flushing data on p.13 and notes that "raptors are much more likely to habituate to the relatively stationary human presence associated with residences than they are to hikers, dog walkers, and bird watchers/photographers that now regularly frequent the areas within or immediately adjacent to the eucalyptus grove" but ignores the fact that these residential impacts will be cumulative on top of the pre-existing transient impacts. It goes on to conclude that the current Ridge setback of 150ft from the ESHA is sufficient to avoid significant impact to the adjacent raptor ESHA.

MBIX-4

In the attached Exhibit LLL memo from Coastal Commission staff ecologist John Dixon Ph.D. regarding raptor ESHA at Shea Parkside, similar LSA raptor flushing data is examined and then dismissed in favor of more conservative buffers to best protect the ESHA. Please read pages 12-15 of this attachment for a detailed discussion of raptor flushing and buffers that provides the rationale for the CCC's adopted Shea Parkside LCPA setting a minimum buffer distance of 297ft from the eucalyptus grove raptor ESHA.

MBIX-5

Even though "A total of 23 ac of habitat is proposed for restoration and preservation to the east of the study area as part of the Parkside Estates Project" as noted in the LSA biological assessment, the CCC found that the Parkside residential development had to be set back a minimum of 297ft from the northern eucalyptus grove ESHA. If new development to the east of the grove (Parkside) should not occur closer than 297ft away to avoid disturbing the raptors, then new development to the west of the grove (The Ridge) should also not occur closer than 297ft away or else significant negative impacts will harm the viability of the ESHA.

EIR Required

Fair argument exists that development of The Ridge will cause significant negative impacts to the ESHA of the adjacent Shea property; therefore an EIR is required under CEQA to properly analyze these impacts and to provide for their mitigation to a less than significant level.

MBIX-6

Sincerely,

Mark D. Bixby

Mark D. Bixby
17451 Hillgate Ln
Huntington Beach, CA 92649-4707
714-625-0876
mark@bixby.org

Attachments:

CCC Exhibit LLL from Parkside LCPA agenda packet W16a-11-2007

ATTACHMENT NO. 9.122

ATTACHMENT TO

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200
FAX (415) 904-5400

BIXBY COMMENT



MEMORANDUM

LETTER

FROM: John Dixon, Ph.D.
Ecologist

TO: Meg Vaughn

SUBJECT: Natural Resources at the Parkside Property

DATE: July 2, 2007

Documents reviewed:

Bilhorn, T.W. (Earth Science Consultant). September 1986. Seasonal variations in the extent of ponded surface water in the Bolsa Chica lowland, Orange County, California. A report to Signal Bolsa Corporation.

Bilhorn, T.W. June 1987. Agricultural area delineation, Bolsa Chica, Orange County, California. A report to Signal Bolsa Corporation.

Bilhorn, T.W. June 28, 2007. Memorandum to J. Dixon (CCC) regarding: "Bolsa Chica 'Agricultural' Area Jurisdictional Wetlands Delineation."

Bixby, M.D. June 27, 2007. Letter to M. Vaughn (CCC) and California Coastal Commissioners regarding raptor foraging and raptor maps.

Bloom, P.H. (Santa Cruz Predatory Bird Research Group). April 15, 1982. Raptor inventory and habitat assessment for the Bolsa Chica area, Orange County, California. A report to the U.S. Fish and Wildlife Service, Laguna Niguel, California.

Bloom, P.H. (Raptor Biologist). June 5, 2002. Letter to J. Dixon (CCC) regarding white-tailed kites and golf courses.

Boule, M., M. Dybdahl, and K. Austrian (Shapiro and Associates). April 27, 1981. Final Bolsa Chica Vegetation Study. A report prepared for the U. S. Army Corps of Engineers, Los Angeles District.

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- EPA, Region IX. February 1989. A determination of the geographical extent of waters of the United States at Bolsa Chica, Orange County, California.
- Findlay, C. S. and J. Houlihan. 1997. Anthropogenic correlates of species richness in southeastern Ontario wetlands. *Conservation Biology* 11:1000-1009.
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- Gill, J. (ACOE). May 20, 1992. Letter to Beveridge & Diamond, P.C. declaring the MWD property to be "prior converted cropland" and not jurisdictional under Section 404 of the Clean Water Act.
- Holmes, T. 1993. Behavioral responses of grassland raptors to human disturbance. M.S. thesis. Colorado State University, Fort Collins, Colorado. Cited in G.R. Craig (Colorado Division of Wildlife). October 20, 1998. Recommended buffer zones and seasonal restrictions for Colorado raptors. Obtained from the Colorado Division of Wildlife Research Center Library.
- Holmgren, M.A. (UCSB). June 7, 2002. Memorandum to J. Dixon (CCC) regarding sensitivity of white-tailed kites to disturbance.
- Homrighausen, A. and R. Erickson (LSA). November 23, 1999. Letter report to S. Rynas (CCC) re: "Buffer design for Bolsa Chica Eucalyptus ESHA."
- Homrighausen, A. (LSA), T. Bomkamp, (Glenn Lukos Associates) and M. Josselyn (WRA). June 12, 2007. Memorandum to S. Sarb (CCC) regarding: "Historic 'EPA area' on Parkside Estates, Huntington Beach, Huntington Beach LCPA 1-06."
- Homrighausen, A. (LSA), T. Bomkamp, (Glenn Lukos Associates) and M. Josselyn (WRA). June 22, 2007. Memorandum to S. Sarb and M. Vaughn (CCC) regarding: "Off-site drainage into Parkside Estates 'EPA area'"
- Huffman, R.T. 1987. A report on the presence of wetland and other aquatic habitats within the Bolsa Chica lowlands. A report to the USEPA, Region IX, San Francisco, California.

- Jurek, R. M. (CDFG). October 16, 2000. Letter to S. Hansch (CCC) regarding the probable effects of development on raptors at Bolsa Chica Mesa.
- Kegarice, L.M. (Tom Dodson & Associates). December 17, 1997. Letter report to J. Morgan (EDAW Inc.) regarding: "Verification/update of wetland determinations for TT#15377"
- LSA Associates. c. January 14, 2000. An examination of raptor flushing distances at the Bolsa Chica Eucalyptus Grove ESHA in early January, 2000. A report to Hearthside Homes.
- Metzler, R. (Shea Homes). June 20, 2007. Letter to Chairman Kruer (CCC) and Executive Director Douglas (CCC) concerning allegations made by members of the public during the May 10, 2007 CCC Hearing concerning the Huntington Beach LCPA (1-06).
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- Rempel, R.D. (CDFG). 1998b. Letter to J.R. Barnes (City of Huntington Beach) regarding: Parkside Estates Draft Environmental Impact Report, SCH #97091051, Orange County dated June 15, 1998.
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At the May 10, 2007 Coastal Commission Hearing concerning a project-specific (Shea Homes) LCP Amendment by the City of Huntington Beach, several issues were raised by Commissioners or members of the public that staff had either not addressed or had dealt with in insufficient detail. Although many photographs of standing water were presented at the hearing, there was no new evidence of inundation that I had not previously considered (Dixon 2006). The principal unresolved issue concerns the possible loss of wetlands as a result of significant landform alterations including direct fill of wetlands. The Commission's mapping supervisor, Jon Van Coops (2007), has documented in a separate memorandum the actual landform changes that have taken place since the implementation of the Coastal Act using aerial imagery and topographic surveys. I will relate those changes to the existence and distribution of wetlands on the property. I will also address the recent assertions by wetland consultants for Shea Homes that the area delineated as a wetland by consultants for the Signal Bolsa Corporation and by the U.S. Environmental Protection Agency was not actually a wetland when delineated, but rather was an artifact of technical errors. In addition, I will address two issues relating to raptors: 1. The value of the agricultural field as foraging habitat, and 2. The basis for recommending a particular width for a protective buffer around perching, roosting, and nesting habitat.

Wetlands, Landform Alterations, and 1998 Farming Operations

EPA Wetland

During the 1980s, the Signal Bolsa Corporation commissioned a great deal of field work to delineate wetlands within the undeveloped portions of the Bolsa Chica lowlands that historically had been tidal marsh. Much of that effort was devoted to hydrological studies, which included the analysis of aerial imagery, both vertical aerial photographs and nearly monthly oblique aerial photographs that documented surface saturation or

Exhibit LLL

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surface ponding of water. The study area included the property that was owned by the Metropolitan Water District of Southern California (now Shea Homes Parkside), although the MWD property received less intense scientific scrutiny than the Signal properties. Then, as now, most of the Parkside property was under agriculture, precluding the presence of wetland vegetation. Dr. Dana Sanders was the wetland scientist responsible for the wetland delineation. However, for the Parkside property, his recommendations followed closely the recommendations of Thomas Bilhorn, a hydrologist and earth scientist, who conducted the actual field work and analysis. Bilhorn based his wetland identification on: (1) a field examination (including test pits and borings) on April 15, 1987, (2) nearby rainfall records, (3) a 1980 topographic map, (4) approximately monthly low altitude, oblique aerial photographs covering the period 1981 - 1987, (5) historical aerial photos dating to 1927, and (6) the documented history of land alterations affecting the area. After Dr. Sanders concluded that a portion of the site met federal wetland criteria¹, Mr. Bilhorn estimated the location, size and shape of the wetland based on the presence of a topographic depression and on the location of a wetted area on vertical aerial photographs from 1982.

In 1980, the U. S. Environmental Protection Agency designated the Bolsa Chica area as a "Special Case," which under a Memorandum of Understanding with the U. S. Army Corps of Engineers, transferred the responsibility for wetlands identification and delineation from the Corps to EPA. Although considerable field work had been done by Signal, the EPA independently identified and delineated the wetlands in the agricultural area based on their own analysis of aerial photographs and topography (T. Yocom² in personal telephone and electronic mail communications to J. Dixon on June 19, 2007). Mr. Yocom pointed out that, "In addition, under 40 CFR 230.3(s)(1), farmed areas which were historically subject to the ebb and flow of the tide and which remain below the plane of MHW are 'waters of the United States.' (see EPA JD³, page 6). The Metropolitan property, according to EPA's JD, is underlain with Bolsa Silty Clay Loam, and is described as a soil on alluvial fans that are somewhat poorly drained and with mottles (redox concentrations.) They are listed as having good potential for supporting wetland vegetation (1978 Soil Survey for Orange County)."

In a recent submission (Homrighausen, Bomkamp and Josselyn 2007), Shea Homes' wetland consultants refer to the wetland area mapped in the late 1980s by Signal Bolsa Corporation and by the EPA as the "so-called 'EPA Wetland'" and put forth various arguments that purport to show that a wetland did not exist at that location at that time. They make the following claims: 1. Field studies conducted both before and after the EPA wetland delineation found that no wetlands were present. 2. The Signal Bolsa consultant, Thomas Bilhorn, based his 1987 wetland determination only on 1980 topography and 1982 vertical aerial photographs and that dark soils in such a photograph are not evidence of wetness. 3. EPA "picked up" Bilhorn's errors and, by implication, did not do independent research. 4. Bilhorn and EPA did not account for losses of hydrology that resulted from the construction of the Cabo del Mar

¹ Sanders made all the final delineation decisions following the standards developed by the Army Corps of Engineers (Bilhorn, personal communication to J. Dixon on June 29, 2007).

² Tom Yocom was a "National Wetlands Expert" for the USEPA at the time of his retirement in 2005. In the late 1980s, Mr. Yocom was responsible for the EPA wetland delineation of the Bolsa Chica lowlands.

³ Jurisdictional Determination

condominium complex around 1983-1984, several years before their delineations. 5. No direct evidence of surface hydrology was ever reported, and 6. Signal Bolsa Corporation's primary wetland consultant, Dana Sanders, determined in 1991 that "Bilhorn is flawed." I will address these claims in order.

1. Homrighausen et al. (2007) assert that, "Four mappings or wetland determinations made before the Bilhorn/EPA delineation and six made subsequent to it all found no wetland in the 'EPA wetland' area." This might be taken to mean that each of these reports determined that there were no wetlands in the area mapped by EPA. That is not the case. The four early studies (Dillingham 1971, Mulroy 1973, Boule, et al. 1981, and CDFG 1981) were not technical wetland delineations. Dillingham (1971) and Boule, et al. (1981) were vegetation studies that described the Parkside property as "plowed field" and "U/A" (Urban/Agricultural), respectively. Mulroy characterized the area as a "ploughed field" or "wheat field" containing trees and weeds. In 1981, the California Department of Fish and Game designated the whole Parkside property as "severely degraded wetlands (restorable – below +5' MSL)." These reports simply acknowledge the fact that this historical salt marsh was an agricultural field at the time of observations. Of the six "studies" that took place after the EPA determination, three (Sanders 1991, Gill 1992, and Rempel 1992) were not, in fact, studies at all. Sanders (1991) was a determination based on inaccurate reporting of the record (see Dixon 2006) that the EPA wetland was "prior converted cropland"⁴ and Gill (1992) was a concurrence letter from the Army Corps of Engineers. Apparently, no field work was conducted for this concurrence and had the record been accurately reported, the area might not have met the definition of "prior converted cropland" (Dixon 2006). Rempel (1992) was a concurrence by CDFG with the report by Kegarice (1997). The flawed nature of that study and my technical assessment of the other two studies (Frank Havore and Associates 1997, Young and Bomkamp 2004) are detailed in my earlier memo (Dixon 2006). In addition, it should be noted that these wetland studies did not attempt to assess conditions as they existed in 1987, but rather dealt with current conditions, which included markedly changed topography.

2. Homrighausen et al. (2007) confound issues associated with wetland identification with separate issues regarding wetland boundary determination. Bilhorn relied on a variety of evidence for his wetland determination (see above). His boundary determination, on the other hand, was based on the wetted area shown on two 1982 aerial photographs⁵ and on the location of a topographical depression documented by 1980 elevations. Although the data were not shown,⁶ Bilhorn (1987) stated that "seasonal patterns of damp and flooded soils" were determined from the monthly 1981 -

⁴ In the 1988 National Food Security Act Manual, the Soil Conservation Service defined "prior converted croplands" as wetlands that, prior to December 23, 1985, were both cropped and manipulated to the extent that they no longer exhibit important wetland values. Specifically, such areas are inundated for less than 15 consecutive days during the growing season during most years. The Corp and EPA do not exert jurisdiction over prior converted cropland.

⁵ This was actually a good time to analyze patterns of wetness and inundation. In the week prior to the March 18, 1982 photograph there were about 2.2 inches of rain with 1.8 inches falling on March 17-18. In the intervening days before the March 31, 1982 photograph, an additional .8 inches of rain fell.

⁶ In his report on the Bolsa Chica lowland owned by Signal Bolsa Corporation, Bilhorn (1986) mapped the ponded areas shown in the low level, oblique aerial photographs. Unfortunately, the study area for the 1986 report did not include the agricultural field, so no data were shown for the latter. Although the photographs included the agricultural field and Bilhorn (1987) used them for his wetland identification, he did not present the data.

1987 low altitude photographs, as opposed to the two 1982 vertical aerial photographs that he used to estimate the wetland boundary. Homrighausen et al. (2007) also assert that "Bilhorn made a flawed determination of 'wetted soils'" and "presumed that dark soils were equivalent to wet soils." In a recent memorandum (Bilhorn 2007), Mr. Bilhorn states his educational credentials and extensive experience in the interpretation of aerial photographs, emphasizes that in all his work (including that at Bolsa Chica) he combines photo-interpretation with ground-truthing, addresses the "dark soils vs wet soils" issue⁷ and stands by his 1987 delineation. A March 19, 1982 oblique aerial photograph shows the EPA wetland completely covered by standing water from the horse arena in the south to the northern property line (Figure 1). This confirms the accuracy of Mr. Bilhorn's determination of wetted soils from his analysis of the March 18, 1982 vertical aerial photograph. Finally, Homrighausen et al. (2007) claim that I found that ponding occurred for less than 7 days during March 1982, implying that this in some way relates to the EPA wetland. In my report (Dixon 2006), I used rainfall to estimate the likelihood of areas AP and WP ponding for at least 7 days given current topography and soil conditions. This obviously says nothing about the actual conditions in 1982 when the topography was very different. At that time, neither AP nor WP was present, whereas the EPA wetland included the lowest point in the agricultural field.

3. Homrighausen et al. (2007) assert that the EPA study was really just a restatement of the Bilhorn study.⁸ According to Mr. Yocom, this is not true. EPA took into account data that had been collected by Signal Bolsa Corporation's consultants, but also conducted an independent analysis based on their own interpretation of aerial photographs and site topography.

4. Prior to the 1980s, some portion of the runoff from the mesa and mesa slope where the Cabo del Mar condominiums are now located drained onto the Parkside property. To my knowledge, there has never been a topographic analysis to determine where the runoff was directed or how much drained onto Parkside as opposed to other parts of the mesa or to the residential areas north of Parkside that are at a lower elevation. However, this land historically contributed some amount of water to the agricultural area of Parkside. At least by 1986⁹, all the runoff from the Cabo del Mar Condominium complex and some adjacent neighborhoods was directed to a 5-foot storm drain that was constructed on the Parkside property along its northern boundary. Also, for an interim period of unknown duration between about 1978 and the completion of the condominium complex, runoff from an undetermined area was directed to drain pipes that terminated in an open "bubble up structure"¹⁰ just north of the Parkside property line at the base of the slope near the northern Eucalyptus grove. Homrighausen et al. (2007) claim that the delineation of the "EPA wetland" was flawed because neither Bilhorn nor the EPA took into account these changes in hydrology and seem to suggest

⁷ Mr. Bilhorn commented that, "... I have a great deal of experience in using aerial photos, and at Bolsa visited and mapped that site almost monthly over something like eight years. I am comfortable in standing by my description of saturated ground as distinguished from dark-mineral colored soil as that was a necessary distinction I had to make each month throughout the Bolsa area."

⁸ Similarly, Metzler (2007) states that EPA "perpetuated" an error by Bilhorn.

⁹ The construction drawings submitted to the City were signed off "as built" in 1986, but the date of sign-off does not necessarily correspond to the date of completion.

¹⁰ Essentially a short length of vertical culvert that terminated above the ground surface and had a protective grated cover.

that if there was a wetland, it was critically dependent on whatever water was diverted by the new storm drain. The latter is an *ad hoc* hypothesis for which there is little evidence one way or the other. One can only say that some amount of water was added or perhaps only directed to a point location (the bubble up structure) for a few years around the early 1980s and that sometime between about 1984 and 1986 water from north of the site was diverted to a storm drain. Both Bilhorn (1987) and EPA (1989) are silent regarding the Cabo del Mar development. However, the grading and construction of the condominiums and the excavation and installation of the storm drain across the agricultural field were not subtle or hidden activities and Bilhorn (1987) stated that he considered "[v]arious records and reports providing dates of construction and land alteration which affect the ...hydrology of the area of study." Although Mr. Bilhorn does not recall the detail of the construction activities that were taking place when he did his assessment, he stated that he would routinely have taken into account obvious changes that affected hydrology and that took place prior to his 1987 report (personal communication to J. Dixon, June 28, 2007).

5. Homrighausen et al. (2007) assert that "...no direct evidence of surface hydrology was ever reported..." Bilhorn (1987) stated that the delineated area was "...indicated by aerial photographs to receive surface water repeatedly from adjacent areas during the winter rainy season." That is direct evidence (also see Figure 1, below). Unfortunately, the photographs are not readily available for verification because Mr. Bilhorn turned over all the photographs to the State Lands Commission when they took possession of the Bolsa Chica lowlands (Bilhorn 2007 and personal communication to J. Dixon on June 28, 2007).

6. Homrighausen et al. (2007) assert that: "...Sanders originally concluded that none of the area in the agricultural field was wetland. Nevertheless, in 1987 Sanders deferred to Bilhorn's hydrology analysis, even though, in retrospect, it appears flawed." In 1987 Sanders concluded that: "Based on the application of the multiparameter approach, the entire subunit (43.8 acres) is presently uplands. This is due to the absence of wetlands hydrology in most of the subunit and hydrophytic vegetation throughout. However, it was determined that a portion of the subunit would probably be sufficiently wet to support hydrophytic vegetation if the farming activities ceased." In his 1991 letter, Sanders backpedaled and claimed that he "preliminarily concluded that none of the area qualified as wetlands" but changed his mind because Bilhorn (1987) showed that during periods of normal rainfall the shallow soil was saturated by a high water table. This characterization of Bilhorn's results is demonstrably false (Dixon 2006). The salient result of Bilhorn's studies was that the water table in the agricultural field was too deep to contribute to wetland hydrology and that the wetland was dependent on rainfall and localized runoff (Bilhorn 1987 and personal communication to J. Dixon on June 28, 2007).

Homrighausen et al. continue: "Sanders makes it clear in his 1991 letter that Bilhorn is flawed, noting the altered hydrology." After rereading Sanders (1991) several times, I remain baffled by this statement. No where does Sanders question Bilhorn's results, he merely misrepresents them. I have previously (Dixon 2006) discussed the grossly

inaccurate representations made by Sanders (1991)¹¹. I am attaching copies of Sanders (1987 and 1991) and Bilhorn (1987) so those who are interested can make their own assessment of the reliability and verisimilitude of Sanders (1991).

Landform Alterations

In his memorandum, Jon Van Coops (2007) carefully documents both the fill that has been added to the southwestern portion of the Parkside site (probably originating offsite) and the leveling of the agricultural field by removing soil from some areas and adding it to others. In 1980, the area where a wetland was later mapped by EPA was a depression that included the lowest point in the agricultural field. In general, the ground sloped from the south and east to the north and west. The bottom of the depression was one to one and half feet lower than the surrounding ground and probably corresponded to a low feature in the historical salt marsh. Essentially all the runoff from rainfall that fell onto the agricultural field and the adjacent hillside would have been directed to that depression. Today there is no indication of a depression in that area.¹² It has been completely filled. On the other hand, the base of the hillside to the west has been cut and that is now the lowest place in the agricultural field and the location of the AP wetland. Until 2005, there was a second, shallower depression next to the flood control channel that was designated WP. The delineated boundary was at an elevation of about 1.2 feet and the lowest point was about 0.7 feet. This area was effectively leveled by moving dirt from the hill to the west into the depression with a box plow¹³ in December 2005. Therefore, regardless of means or intent, the EPA wetland was filled and the AP and WP wetlands were created between 1977 and 2005. In December 2005, WP was also filled.

In addition to the land leveling that has taken place, fill has been imported and placed in the southwestern portion of the site. The fill upon which the extension of Slater Avenue was constructed was in place prior to the local implementation of the Coastal Act. The fill upon which a stable and associated infrastructure was built was added after 1977. In addition, a ditch was dug around the northern and eastern edges of this raised area, apparently to convey runoff to a pond from which it was pumped, probably into the flood control channel. This unpermitted ditch periodically held water and may have developed wetland characteristics. Using a bulldozer, Shea Homes filled the ditch in 1998 "in preparation for farming." The earlier fill south of Slater Avenue associated with the stable development covered an area that supported pickleweed, a wetland indicator

¹¹ Sanders (1991) manages to make the following contradictory statements on the same page: "...the water table does not rise to the soil surface during years of normal rainfall...." and "...the area would not have been considered as wetlands except for the high water table expected during years of normal rainfall...."

¹² Homrighausen et al. (2007), however, assert that "Changes in topography have been minimal – a matter of inches, less than the depth of a furrow."

¹³ Shea Homes (Metzler 2007) equates a "box plow" with a "wide-blade plow." The use of the latter is considered "plowing" and a normal farming activity by the Corps of Engineers. However, a "wide-blade plow" is a different implement. According to "free.tractor.manuals.com," a wide-blade plow is synonymous with "sweep plow," "Noble blade plow," "blade plow," and "V-blade plow" and refers to a "wide flat blade tractor implement that kills weeds without disturbing surface residue." A similar definition is provided by the Savannah Company, which manufactures blade plows (www.savannahglobal.com). In any event, "redistribution of surface materials by blading, rading, or other means to fill in wetland areas is not plowing" by federal standards (33CFR320-331).

plant, in 1971. The area no doubt was still a wetland when it was filled. The fill north and west of the horse arena occurred in areas that were periodically inundated, judging from aerial photographs. However, there are insufficient data upon which to determine whether most of those areas would have met the definition of wetlands under the Coastal Act and the Commission's Regulations at the time they were filled. A small portion of that fill appears to have been placed on the EPA wetland (Van Coops 2007, Exhibit 26).

1998 Farming Operations

Metzler (2007) characterizes an April 22, 1998 photograph of a bulldozer grading and moving earth within the agricultural field as being a "weed abatement operation," and implies that it was a necessary response to a weed abatement order from the City of Huntington Beach. On April 20, 1998, apparently in response to concerns from citizens and the Department of Fish and Game,¹⁴ the City of Huntington Beach acted as follows:

The motion made by Green, second Sullivan to authorize the Street Superintendent to proceed with abatement of said nuisance, except Shea Company property located at southerly terminus of Graham Street, north of Orange County Flood Control channel (except for 100 foot buffer zone by residences for fire protection purposes) and report this matter at the Council meeting of May 4, 1998. The motion carried by unanimous vote with Councilmember Julien recorded absent.

Apparently, weed abatement was only required in a 100-foot strip long the northern boundary of the property that is adjacent to existing residences.¹⁵ Generally, weed abatement is accomplished by mowing to a height of no more than 6 inches or by disking and does not require the movement of earth from one place to another. The bulldozer operation that took place in April 1998 did accomplish the abatement of weeds, but it also resulted in significant landform alteration as is suggested by the piles of earth that were documented in a video taken by a local resident (Figure 2).

Raptor Habitat and Its Protection

Foraging Habitat

At the May 10, 2007 Hearing, members of the public pointed out that the agricultural fields on the Shea Homes Parkside property offer foraging opportunities to raptors that would be lost as a result of the planned development. In a comment letter on the draft Environmental Impact Report for Parkside Estates, the California Department of Fish

¹⁴ "Scott Harris, biologist, California Department of Fish and Game, stated that new information has been given to the state Department of Fish and Game. He presented reasons why he would urge that weed abatement be postponed for at least one growing season to give any wetlands vegetation a chance to come back so that a more complete wetland evaluation can be on that property. Mr. Harris responded to Mayor Pro Tem Green regarding the possibility of reversing the letter of the California Department of Fish and Game." From the Minutes, City Council/Redevelopment Agency, City of Huntington Beach, April 20, 1998.

¹⁵ However, it was also made clear at the meeting that there was no reason not to disk the field for farming.

and Game (Rempel 1998b) found that, "Agricultural areas, grasslands and wetlands are of seasonal importance to several species of raptors in Orange County by providing important, if not vital, staging and wintering habitat. These habitats also provide foraging areas for resident breeding raptors." Although the potential impact to raptor foraging habitat was noted, Rempel (1998b) did not recommend any specific mitigation.

In recent years, the California Department of Fish and Game has recommended that losses of documented raptor foraging habitat would be adequately offset by the dedication of 0.5 acres of foraging habitat for every 1.0 acre that is lost (e.g., Tippets 2000 and W. Tippets (CDFG), personal communication to T. Henry (CCC) in 2004). In past actions,¹⁶ the Commission has followed this recommendation.

Since raptor foraging habitat is typically comprised of annual grassland and ruderal areas, I queried a number of raptor experts regarding the significance of agricultural areas that are frequently planted in row crops. Although plowed fields tend to have lower foraging value than undisturbed areas, they are still important. If the agricultural land is allowed to go fallow for part of the year and if it is periodically flooded it will also bring in more raptor prey species (Scott Harris, CDFG, email to J. Dixon on May 25, 2007). At an agricultural site in the Halfmoon Bay area there is significant raptor foraging in disked areas (G. Deghi, email communication to J. Dixon on June 8, 2007). Peter Bloom observed that gophers are often abundant in agricultural fields and that even repeated plowing does not exclude all rodent species (email communication to J. Dixon on June 4, 2007). Gary George, the Executive Director of the Los Angeles Audubon Society noted that agricultural fields are used for foraging by white-tailed kites, northern harriers, ferruginous hawks, and Swainson's hawks (email communication to J. Dixon on May 27, 2007). Although, there has been no attempt to quantify the raptor use of the agricultural field at the Shea Homes Parkside property, Mark Bixby (2007), a local resident who regularly visits the site, "semi-regularly" observes foraging by white-tailed kites, northern harriers, kestrels, and Cooper's hawks, especially in the western portion of the agricultural field nearest the Bolsa Chica Mesa and the stands of Eucalyptus trees.

Therefore, it appears that the agricultural field at the Shea Homes Parkside property is a significant foraging resource for several raptor species, including the white-tailed kite, which is a California "fully protected species." Bloom (2000) estimated the average distance from their hunting perch that raptors take prey: red-tailed hawk (100-300 yd / 91-274m); red-shouldered hawk (100ft / 30m); merlin (75-400yd / 69-366m); peregrine falcon (150yd / 137m); Cooper's hawk (50-250yd / 46-229m); sharp-shinned hawk (50-150yd / 46-137m); great horned owl (100-300yd / 91-274m); barn owls (25-100yd / 23-91m). This also suggests that the portion of the field that is closest to the western hillside and the Eucalyptus groves is of greatest significance to raptors.

¹⁶ For example, Revised Findings for 5-97-367-A1 (Hellman Properties LLC) adopted June 14, 2000 and Revised Findings for 5-05-020 (Hearthside Homes/Signal Landmark) adopted October 13, 2005 (original CCC action was on April 14, 2005).

Eucalyptus Tree ESHA and Protective Buffers

Most of the area supporting the trees that line the edge of the Bolsa Chica Mesa has been recognized as an Environmentally Sensitive Habitat Area (ESHA) by the Coastal Commission in past actions because of the important ecosystem function of providing nesting, perching, and roosting habitat for many species of birds of prey. I have recommended that the northern grove of trees on the Parkside property also be designated as an ESHA because it has been documented to provide the same ecosystem functions as the rest of the trees and recommended a 100-meter protective buffer (Dixon 2006b). The following discussion presents the rationale for recommending a 100-meter development setback.

The protective function of development setbacks or buffers increases in some non-linear fashion with an increase in the width of the buffer. The amount of protection provided by the buffer can probably be described by an S-shaped curve, increasing slowly for ten or twenty meters, then rapidly for some unknown distance that varies by species (but probably from several tens of meters to a few hundred meters) and finally slowing and approaching an asymptote at greater distances. Therefore, within that middle range of distances whether or not a buffer is protective is not a "yes" or "no" question, but is instead a matter of degree. The shape of the curve and the feasible level of protection also varies with the landscape setting.

In an urban setting, feasible development setbacks are probably always too small to prevent impacts to all wildlife species. For example, Findlay and Houlihan (1997) found a negative correlation between species richness in wetlands and the density of roads on land up to 2000 meters from the wetland and concluded that narrow buffer zones were unlikely to protect biodiversity. It is very unlikely that such relationships would be evident in urban areas because the potential buffer zone is already developed and the most sensitive species are already lost. The scale of disturbance and its ecological effects is irreversibly altered by urbanization. Whereas in a natural setting a 2-kilometer buffer might be measurably more protective than a buffer of a few hundred meters, in an urban setting the maximum possible buffer is generally no more than one to several hundred meters and often less.

Another complication in an urban setting is that many birds that are present are either genetically predisposed to tolerate disturbance or have become habituated to human activities. These are the birds that will be most apparent to human observers. In the context of the nearby Hearthsides Homes Brightwater development, LSA (2000) conducted a flushing study. They found that, when their perches were approached by a pedestrian, raptors flushed at distances that varied among species, individuals, and height of the perch. The lower the perch the sooner the birds flushed. Kestrels were most tolerant of human presence, often not flushing at all (flushing range 0 – 13 m). At the other extreme the single turkey vulture approached flushed at a distance of 70 m. White-tailed kites, which are sensitive to human intrusion in natural settings, generally flushed when approached to 30 m. Given the relatively high level of disturbance within the habitat where the study was done, it is reasonable to assume that most of the birds

that persisted there were relatively tolerant of human presence and these flushing distances should be considered minimums.

The problem with such studies is that they probably are examining only the tolerant subset of the raptor populations. Less tolerant birds would flush much sooner and may avoid many urban areas. Jurek (2000) pointed out that, "Individuals within a species may have differing levels of response to human activities, owing to variation in the population for tolerating unusual situations, or to differences in habituating to human activities out of past experience or upbringing. The same level of activity that would not adversely affect one of the habituated raptors might be perceived by a newly arrived individual of the same species in the ESHA to be threatening, causing the bird to not return there." Similarly, Walton (2000) wrote that developers "...often rely on buffers that I find largely ineffective for reducing raptor fright/flight response." and "They describe unusual tolerance, habituated individuals or exceptions to normal raptor behavior rather than the more common behavior of wild birds."

Studies conducted in natural settings find greater sensitivity to disturbance and result in recommendations for much larger buffers. Richardson and Miller (1997) cite several studies of flushing, the results of which vary among raptor species. Across species, the average minimum and average maximum flushing distances were, respectively, 35 m and 293 m for vehicle disturbance and 40 m and 466 m for pedestrian disturbance. The pedestrian figures suggest greater sensitivity to disturbance than was observed by LSA, but a different suite of species were observed in the two reports, which confounds direct comparison. However, two species were common to both reports. Merlin allowed approach all the way to the perch tree at Bolsa Chica but flushed at 17 m – 180 m elsewhere. Similarly, kestrels often never flushed at Bolsa Chica (range: 0 m – 13 m), whereas they flushed at approach distances of 10m – 100 m elsewhere. These data suggest that raptors that currently use the highly disturbed portion of the ESHA at Bolsa Chica¹⁷ are more tolerant of human presence than the average individual at less disturbed locations. The corollary is that many birds that could potentially use the ESHA may be excluded by human disturbance (cf. Jurek, 2000 and Walton 2000).

In their literature review, Richardson and Miller (1997) found that raptor biologists recommended buffers for various species of nesting raptors from 200 m to 1500 m in width, with the exception of 50-m buffers from visual disturbance for kestrels and prairie falcon. The following buffers were recommended for raptors that are known to have occurred at Bolsa Chica: Osprey (400–1500m), Cooper's Hawk (400–600m), sharp-shinned hawk (400–500m), red-tailed hawk (800m), peregrine falcon (800–1600m), American kestrel (50–400m). In order to prevent flushing by 90 percent of wintering individuals in rangeland and agricultural habitats, Holmes (1993) recommended buffers of 75 m for American kestrels and 125 m for merlin. Ferruginous hawks, which have the potential to occur at Bolsa Chica (Bloom, 1982), were subjected to experimental disturbance by White and Thurow (1985), which resulted in nest abandonment and lowered fledging success. Based on their experiment, they concluded that a buffer of 250 m would prevent nest desertion for 90% of the population. Bloom (2000) estimates flushing distances for raptors that occur at Bolsa Chica as follows: Osprey, red-tailed

¹⁷ With the application of a Habitat Management Plan, the level of disturbance should decrease significantly.

hawk, rough-legged hawk, white-tailed kite, and peregrine falcon (100yd / 91m); Cooper's hawk (\geq 100yd / 91m); merlin (50 yd / 46m), great horned owl (75 yd / 69m); barn owl (day: 10 yd/ 9m).

White-tailed kites are a fully protected species in California, have frequently nested at Bolsa Chica, and are generally considered relatively sensitive to human disturbance. Therefore, I think that buffers that are adequate to protect nesting white-tailed kites should be adequate for most of the other species that are likely to nest in the Bolsa Chica ESHA. The following minimum spatial buffers have been recently recommended for nesting white-tailed kites: 100m (Bloom 2002); 100m (Holmgren 2002); 50m (J. Dunk (raptor researcher) in personal communication to M. Holmgren, 2002); 46-61m with "low-frequency and non-disruptive activities" (Froke 2002). These estimates suggest that a 100-m buffer in an urbanized setting is probably adequate, but not overly conservative.

The California Department of Fish and Game (1982) and the U.S. Fish and Wildlife Service (1979) also recommended a 100-m buffer for Eucalyptus ESHA at Bolsa Chica. The Service (1919) stated that, if planning adhered to USFWS guidelines, not only would 100-m buffers be established around the Eucalyptus groves but, "No development or access of any type would be allowed in the buffer area. Park corridors could border the zone but not intrude into it."

LSA, the consultant group for both Hearthside Homes and Shea Homes, has argued for very narrow buffers at Bolsa Chica. However, for the ESHA to the west of the Shea property, Homrighausen and Erickson (1999) concluded that a "100 foot buffer will provide adequate distance to permit nesting by the most common and least sensitive raptor species in all suitable portions of the ESHA" and that "The southern side of the ESHA will have a great deal of utility for virtually all the nesting birds, because it is bordered by hundreds of acres of open space, it will be screened from the development area by the northern edge of the ESHA, and a substantial portion of the grove is at least 100 meters from future development." I think taken together these statements indicate that development closer than 100 meters will reduce the utility for nesting raptors of those portions of the ESHA that are closest to the development footprint and therefore that a reduced buffer would violate Section 30240(b) of the Coastal Act because the portions of the ESHA nearest the development would be significantly degraded and no longer suitable for nesting by some of the raptor species at Bolsa Chica.

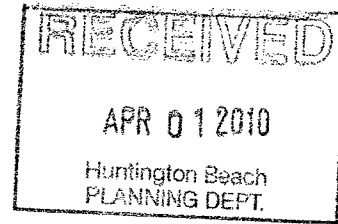
Finally, there seems to be a tendency to argue for narrower buffers where there are sources of disturbance already present. For example, the northern grove of Eucalyptus at the Shea Homes property is perpendicular to an adjacent condominium complex. If anything, this circumstance should be recognized as a reason to increase the amount of protection for the portions of the ESHA that are still adjacent to open space. If disturbance is allowed close to the trees on the remaining sides of the grove, the utility of the habitat to raptors would be severely compromised.

For all these reasons, I recommend that the Eucalyptus tree ESHA on and adjacent to the Shea Homes property be provided with 100-meter development setbacks. Such a

buffer will not only keep disturbance at a distance, but it will provide foraging opportunities close to perching and nesting areas.

Attachments:

Bilhorn (1987, 2007), Sanders (1987, pages 49-50), and Sanders (1991).



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ENDORSEMENTS

Amigos de Bolsa Chica
Algalita Marine Research
Foundation
Anza Borrego Foundation
Ballona Wetlands Land
Trust
City of Huntington Beach
Friends of Harbors,
Beaches and Parks
Huntington Beach
Wetlands Conservancy
Huntington Beach Tomorrow
Orange Coast League of
Women Voters
Orange County
Coastkeeper
Peninsula Open Space Trust
Sea and Sage Audubon
Sierra Club
Angeles Chapter
Surfrider Foundation

March 31, 2010

Jennifer Villaseñor
City of Huntington Beach
Huntington Beach City Hall
2000 Main Street
Huntington Beach, CA 92648

Subject: RMND for The Ridge (NO.2008-016)

Dear Ms. Villaseñor,

Thank you for the opportunity to comment upon the RECIRCULATED Mitigated Negative Declaration for The Ridge project (MND No. 2008-016) located on approximately 5 acres of property in the City of Huntington Beach, Orange County. These comments are submitted on behalf of the Bolsa Chica Land Trust.

In the RMND Cultural Resources Section XIV the City states that according to a report submitted by SRS there have been over 33 separate archeological investigations on this site and as a result of the most recent survey "No other intact deposits of CA -ORA-86 were found on the project site."

The above statements are offered by the archaeological company SRS owned and operated by Nancy De Sautels also known as Anastasia Wiley. For over 20 years, Ms DeSautels(Wiley) has worked as the primary archaeologist on behalf of the landowner company (Signal Landmark, Henley Group, Bolsa Chica Company, and now called California Coastal Communities- Hearthside Homes).

SRS has consistently tried to diminish the significance of the archaeological sites at Bolsa Chica.

BCLT-1

5200 Warner Avenue - Suite 108 - Huntington Beach, CA 92649 - (714) 846-1001
www.bolsachicalandtrust.org

ATTACHMENT NO. 9.138

Equally, the one page Peer Review letter of December 2009 clearly lacks serious consideration of the development impacts to the entire ORA 86 site.

BCLT-1

1. As far back as 1983, Ms De Sautels was testifying before State Historic Resources Commission in opposition of an application for recognition of the Archaeological site ORA 83 for National Register. Ms. De Sautels statements have consistently supported development. (Exhibit A)

BCLT-3

2. In 1992, the Susan Hori, Attorney for Hearthside Homes stated

In a letter dated July 27, 1992 from Susan Hori to Cindi Alvitre (Exhibit B)

"As you know, other sites on Bolsa Chica Mesa have already been fully excavated and mitigated (ORA 289, ORA 78 and ORA 85). No human remains were found during the course of any of the excavations. All of the material which was recovered, i.e. shells, beads, etc are in the possession of the landowner or the archeological consultant."

BCLT

3. April 14, 2005

Coastal Commission staff report: Revised Findings 10/13/2005 (Exhibit C)

Page 97 of revised findings

"The applicant contends that the Brightwater development project will not adversely impact either of the two on-site identified archeological sites due to the fact that a series of measures to mitigate the impacts of future development have been implemented ***completely in the case of ORA 85***, and at the time of the October 2004 hearing, ***97% complete in the case of ORA 83*** as approved by the County of Orange, and the Coastal Commission." (Emphasis supplied)

4. Page 101 of CCC Revised Findings of ORA 85 ***"No evidence of ceremonial or other structures were found. Other than four quartz crystals, which may be evidence of ceremonial utensil manufacture, no obvious objects associated with religious ceremonies were recovered. Finally, no evidence of human remains in the form of burials or cremations was found."*** (Emphasis supplied)

BCLT-5

5. Page 101 of CCC Revised Findings "According to the applicant's archeological consultant, ***the site was 97% recovered at the time of the application submittal for the October 2004 hearing.*** Based on staff observations in November of 2004 the site (ORA 83) appears to be virtually 100% recovered." (Emphasis supplied)

6. Page 98 from CCC Revised Findings for 5-05-020 (Brightwater)

"Although the Commission approved the full recovery of ORA 83 as proposed by the applicant in the previous permits listed below, the Commission finds no evidence in the record of those permits at the time of their approvals that the "semi subterranean house pits" were known or expected to exist, beneath the shell midden."

"In November 2004, Commission staff accompanied the applicant and their consulting team on the project site to revisit a number of issues that had been raised at the October 2004 Commission meeting. **At that time staff verified that the house pits had all been excavated and backfilled."**

In a November 2007, an internal memo (exhibit D) from the Nancy De Sautels to Ed Mountford et al disclosed that the following had been recovered at the Brightwater site.

- There are 87 human remains that need to be reburied
- There are 83 prehistoric features that were uncovered with the burials
- There are 4,217 artifacts that were found during grading monitoring on ORA 83
- There are 1,622 artifacts that were found during the grading monitoring ORA 85
- There are approximately 2,000 boxes of materials

BCLT-6

ATTACHMENT NO. 9.139

- There are over 100,000 artifacts that have been collected.

This memo demonstrates the magnitude of the importance of Bolsa Chica archaeological sites. The information in the memo was not known to the Coastal Commission at that time.

BCLT-6
cont'd.

In April 2008, as a result of the above reference memo the Bolsa Chica Land Trust filed a public records request from the Coroner of Orange County to determine how many reports to the Coroner(as required by law) of human remains had been made as a result of the archeological work at Brightwater. The request was for any and all findings from 1990 until present. The Land Trust was provided with records for only 6 cases since 1990 to present relative to ORA 83 and 85: (Exhibit E)

- 9/30/93 Case # 93-5868-LL reported 11/3/93
- 8/3/99 case # 99-05178me additional human remains found 11/29/99
- 11/4/99 Case # 99-07108-LL reported 11/5/99
- 3/30/00 Case # 00-02277-RO reported 4/4/00
- 4/27/00 Case # 00-02791-LY reported 4/27/00
- 6/12/02 Case # 02-03972-GA reported 6/14/02

BCLT

Human remains uncovered in 2006 were not reported to Coroner. As stated in the Conditions set forth by the Coastal Commission as well as the same mitigation condition set forth by City Staff report, SRS is suppose to contact the Coroner and stop all work on site when remains are found. This did not happen.

Further, in a communication to Hearthside Homes from the California Coastal Commission dated December 15, 2008, referencing the Brightwater Special Condition 23 which dealt with Cultural resources (Exhibit F) it states

"It has come to the Staff's attention that Hearthside Homes, in non compliance with Special Condition 23, failed to

- 1) report discovery of cultural deposits in ORA 85 during archaeological and project grading in 2006**
- 2) cease construction in accordance with Special Condition 23 subsection B and**
- 3) Carry out significance testing as required by Special Condition 23 subsection C**

Please be advised that non compliance with the terms and conditions of an approved permit constitute a violation of the Coastal Act."

BCLT

"The discovery of human remains within ORA 85 is a new discovery warranting of a Significance Testing Plan as required by Special Condition 23".

In a recent letter dated September 17, 2009, the California Coastal Commission once again request Hearthside to respond to non compliance of Condition 23 unpermitted development and sets up the following requirements (Exhibit G)

- 1. "Detailed documentation and special laboratory analyses on all non sacred an non ceremonial items by November 17, 2009**
- 2. Reburial of all materials recovered from this site in the off site designated reburial area with the previously interred human remains by December 1, 2009.**
- 3. Incorporation of the data at CA ORA 85 and CA ORA 83 as required by County of Orange as part of the EIR process for this project by February 1, 2010.**

BCLT

And in Staff report there is a letter from Coastal Commission dated October 14, 2009, (Attachment 4.2) commenting on the Ridge project before you. It states: (Exhibit H)

"The May 2009, Archaeological Report includes, according to MND/EA, discussion of the previous investigations of the archaeological site.

The May 2009 Archaeological Report prepared by SRS should be subject to peer review as well as review by appropriate Native American groups that are likely descendants of Native Americans that previously occupied the area. The resulting comments should be considered in the entitlement process. The land use designation, zoning, and any future development of the site should take these comments under consideration and make modifications accordingly.

Should pre-historic human remains be discovered the Coastal Commission suggest that the option of "preservation in place should be an option available to the Most Likely Descendant."

It is clear from the documentation included with this letter that Hearthsides Homes has consistently viewed the important archaeological sites at Bolsa Chica as insignificant. This perspective has led to the destruction of many prehistorical sites. Mitigation measures in prior permits from City, County and Coastal Commission related to archaeological resources at Bolsa Chica have not been ignored.

The Bolsa Chica Land Trust believes that there exists a fair argument that significant adverse environmental impacts will occur as a result of the proposed project and that an EIR is required.

Sincerely,



Flossie Horgan
Executive Director

A-1

(EX) A

STATE HISTORICAL RESOURCES COMMISSION
DEPARTMENT OF PARKS AND RECREATION
ST OFFICE BOX 2390
SACRAMENTO, CALIFORNIA 95811
(916) 445-8006



ATTACHMENTS
TO BCLT LETTER

MINUTES OF THE STATE HISTORICAL RESOURCES COMMISSION

City Council Chambers
1825 Strand Way
Coronado, California

November 4, 1983

MAR 27 1983

COMMISSION MEMBERS PRESENT

Mr. Bruce D. Judd, Chair
Dr. James M. Cahill, Vice-Chair
Ms. Julia G. Costello
Dr. Ernestine S. Elster
Dr. Nadine I. Hata
Dr. Ted C. Hinckley

COMMISSION MEMBERS ABSENT

Ms. Sally Woodbridge

STAFF PRESENT

Dr. Knox Mellon, Executive Secretary
Mrs. Sandra J. Elder, Assistant Executive Secretary
Mr. Aaron A. Gallup, Staff Architectural Historian
Ms. Joan M. Cunningham, Recording Secretary

ALSO PRESENT

See Attachment "A"

Notice having been duly given, the regular meeting of the State Historical Resources Commission was called to order in the City Council Chambers, 1825 Strand Way, Coronado, California at 9:05 a.m.

CALL TO ORDER

Chair Judd introduced the Commission members and staff to the audience.

Dr. Hata moved to approve the minutes of the special meeting of August 4 and the regular meeting of August 5, 1983, of the State Historical Resources Commission. Ms. Costello seconded the motion. Motion carried unanimously.

MINUTES
8/4/83 and
8/5/83

ATTACHMENT NO. 9.142

N A T I O N A L R E G I S T E R O F H I S T O R I C P L A C E S

The Commission considered the resubmission of the National Register application for Rancho de Santa Teresa, Santa Clara County. After some discussion Ms. Costello moved to recommend Rancho de Santa Teresa to the State Historic Preservation Officer for placement on the National Register of Historic Places at the local level of significance. Dr. Elster seconded and the motion was carried unanimously.

APPLICATIONS
RESUBMITTED
Rancho de Santa
Teresa

The Commission considered the application of CA-ORA-83, Cogstone Site, Orange County. There were people in attendance to speak both for and against the application. The first speakers were Pat Hammon, Jane Gothold and Laura Lee Mitchell of the Pacific Coast Archaeological Society speaking in favor of the application.

APPLICATIONS
PENDING
CA-ORA-83

Speaking in opposition to the application was Glen Smith of the Metropolitan Water District. Also speaking in opposition was Robert Thornton and Dr. Nancy Desautels, together with Ray Belandos representing the Juanero Band of Mission Indians.

After considerable discussion Ms. Costello moved to recommend the CA-ORA-83, Cogstone Site, to the State Historic Preservation Officer for nomination to the National Register of Historic Places at the state level of significance. Dr. Elster seconded and the motion carried with 5 ayes and 1 nay.

MAR 27 1993
State Historical Resources Commission
Sandra J. [Signature]
Assistant Executive Secretary
ATTACHMENT NO. 9.143

A-2

N A T I O N A L R E G I S T E R O F H I S T O R I C P L A C E S

The Commission considered the resubmission of the National Register application for Rancho de Santa Teresa, Santa Clara County. After some discussion Ms. Costello moved to recommend Rancho de Santa Teresa to the State Historic Preservation Officer for placement on the National Register of Historic Places at the local level of significance. Dr. Elster seconded and the motion was carried unanimously.

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RESUBMITTED
Rancho de Santa
Teresa

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PENDING
CA-ORA-83

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MAR 27 1995
State Historical Resources Commission
[Signature]
Assistant Executive Secretary
ATTACHMENT NO. 9.144

PAONE
CALLAHAN
McHOLM
& WINTON
LAWYERS

THOMAS P. APLIN
ROBERT E. CALLAHAN
JIM CHIBOUKAS
SUSAN K. HORI
RAYMOND KING
JOHN LEHR**

STEVEN A. McHOLM
KATHLEEN CAROTHERS PAONE
TIM PAONE
DANIEL K. WINTON
RENE E. ZIEBARTH

*ALSO ADMITTED IN DISTRICT OF
COLUMBIA
**ALSO ADMITTED IN NEW YORK

July 27, 1992

Ms. Cindi M. Alvitre
Gabrielino Tribal Council
2462 Avocado
Riverside, California 92507

Re: Bolsa Chica Archaeology

Dear Cindi:

Following up on our recent telephone conversations, I have compiled some information for you regarding the Bolsa Chica archaeological sites. First, I am enclosing a copy of the most recent draft of the Reburial Agreement for your review. I hope that some of the changes which have been made address your concerns. The revised agreement provides for reburial on the Huntington Mesa on the Bolsa Chica property. It also clarifies the hold harmless provision. As we discussed, we wish to avoid the situation where we have arranged to rebury the artifacts and human bone fragments in accordance with your wishes, but then are faced with other Native Americans claiming to be the most likely descendants and who hold up resolution of these issues. In the event that occurs, the agreement asks that you and David Belardes resolve the issue of most likely descendants and appropriate representation among the tribal members and that the landowner not get involved in having to choose between one representative or another.

Second, I have enclosed maps of the site showing the location of the various archaeological sites. The site that is currently being excavated is ORA-83. As you know, other sites on Bolsa Chica Mesa have already been fully excavated and mitigated (ORA-289, ORA-78, and ORA-85). Raymond Belardes served as the Native American monitor on all of those excavations. No human remains were found during the course of any of the excavations. All of the material which was recovered, i.e., shells, beads, etc. are in the possession of the landowner or the archaeological consultant.

072292 / 5(X)6 1

Ms. Cindi Alvitre
July 27, 1992
Page 3

David Belardes or Phil Ibanez, we would like to meet with you and Mr. Belardes to finalize the agreement and discuss any other issues that you or he may have with respect to the excavations.

Very truly yours,



Susan K. Hori

Enclosures

cc: David Belardes (w/enclosures)
Nancy A. Whitney-Desautels, Ph.D. (w/reburial agreement)
Lucy Dunn (w/reburial agreement)
Darlene A. Shelley (w/reburial agreement)

EX
C-1

I. CULTURAL RESOURCES

Section 30244 of the Coastal Act protects cultural resources in the coastal zone and states:

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

Coastal Act Section 30244 states that reasonable mitigation measures shall be required where development would adversely impact identified archaeological resources. The applicant contends that the Brightwater development project will not adversely impact either of the two on-site identified archaeological sites due to the fact that a series of measures to mitigate the impacts of future development have been implemented completely in the case of ORA-85, and at the time of the October 2004 hearing, 97% complete in the case of ORA-83¹² as approved by the County of Orange, and the Coastal Commission. The coastal development permits and other actions that have been taken by the Coastal Commission for ORA-83 and ORA-85 are reviewed below. Despite the fact that approvals were obtained from the County and the Commission for complete recovery of cultural resources, as proposed by the applicant, and archaeological testing and recovery work has been on-going since the mid-1980's, under these permits, there still remains considerable opposition to removal of the cultural resources of ORA-83.

During the preparation of the staff report for the October 2004 hearing, Commission staff received several letters from archaeologists, including university professors, and several letters from environmental groups, Native Americans, and individuals calling for the preservation of ORA-83, even though they are aware that a full recovery program for the site has long since been approved. Staff received a copy of a 1999 letter from the head of the archaeology division of the Smithsonian National Museum of Natural History supporting the preservation of what remains at ORA-83 and a 2001 letter from Congresswoman Loretta Sanchez supporting the listing of ORA-83 in the Federal Register as a National Historic Site. Some request that the site be capped and left as open space after the data has been recovered, instead of allowing residential development at the site of an identified prehistoric and historic cultural resource. While others suggest that further destruction of ORA-83 be avoided, relocation of proposed development away from ORA-83. Yet others assert that recent mechanical excavations at ORA-83 have revealed the presence of numerous semi-subterranean house pit features at the base of the site, beneath the midden deposit and contend that this feature represents a new, significant area of needed research. Although the Commission approved the full recovery of ORA-83 as proposed by the applicant in the previous permits listed below, the Commission finds no evidence in the record of those permits at the time of their approvals that the "semi-subterranean house pits" were known or expected to exist, beneath the shell midden.

¹² "Archaeological Site CA-ORA-83: The Cogged Stone Site, Synopsis: A History of Archaeological Investigations, Nancy Anastasia Desautels, PhD, Scientific Resources Surveys, Inc., Project No. 926, April 28, 2003. "Archaeological Site CA-ORA-85: The Eberhart Site, Synopsis: A History of Archaeological Investigations, Nancy Anastasia Desautels, PhD, Scientific Resources Surveys, Inc., Project No. 926, September 2003.

ET
C-2

Special
Cndt A
13

elevations, and no benches, or public trails within the observation area. Exhibit 32 includes a map of additional area to be considered.

The Native American Heritage Commission sent a letter to the Commission during its October 2004 deliberations requesting that that the Brightwater project includes interpretive signage along the Mesa detailing the area's prehistoric and historic history. Finally, the above letters also request signage concerning the Native American past of the site as well as dissemination of the wealth of knowledge that has been gained over the two decades of study at the site and curation of the appropriate portions of the artifacts recovered from the site. Only as conditioned to place appropriate interpretive signage along the public trail informing the public of the cultural resources of the area, to disseminate the series of required final reports to institutions and interested groups, to curate the artifacts recovered from the site in a facility in Orange County meeting established standards, and to have an archaeologist and Native American monitor present when grading operations commence to ensure that if any additional cultural resources are found there are procedures in place to go about determining the significance of the resources and to ensure that work can proceed without adversely impacting archaeological or paleontological resources.

Description and Status of ORA-83

ORA-83 is 11.8 acres in size and is located at the southeastern bluff edge of the Brightwater. ORA-83 is commonly known as the Cogged Stone Site, and consists of a shell midden. Cogged Stones are unusual artifacts that are manufactured and used in ceremonial practices. More Cogged Stones, over 400 or roughly half of the total found, have been found on ORA-83 than any other site and are thought to have been distributed throughout coastal and near-coastal California. Similar stones have also been found on the coast of northern Chile. It is also believed that the Cogged Stone site served as a ceremonial center and a center for the manufacture of the Cogged Stones. ORA-83 has been twice found by the State Historical Resources Commission to be eligible for listing in the National Register of Historic Places. However, the listing has been declined by the property owner.

→ According to the applicant's archaeological consultant, the site was 97% recovered at the time of the application submittal for the October 2004 hearing. Based on staff observations in November 2004 the site appears to be virtually 100% recovered

Description and Status of ORA-85

ORA-85, the Eberhart Site is described by Dr. Desautels of Scientific Resource Surveys, Inc. (SRS), as a shell midden located on the western edge of the Bolsa Chica Mesa. Knowledge of the Eberhart site has existed since the 1920's. Based on the numerous investigations of the site carried out by other researchers beginning in the mid-1960's and by SRS beginning in the 1980's, the Eberhart site was determined to be a residential base or village and was not a limited special-purpose shellfish gather and processing station. No evidence of ceremonial or other structures were found. Other than four quartz crystals, which may be evidence of ceremonial utensil manufacture, no obvious objects associated with religious ceremonies were recovered. Finally, no evidence of human remains in the

Exhibit
C-3

The July 10, 2003 brief update statement by the applicant's archaeological consultant, signed by the three current peer reviewers stated that, "The Peer Review Committee members, over the last several years, have overseen the nature of the ongoing phases of the Ora-83 site investigation and had made recommendations on strategies appropriate to address the unusual breadth of the emergent field discoveries." The update further states that the "special new topics" evolving at Ora-83 include, "describing and evaluating the patterns of the multitude of semi-subterranean 'house pit' features revealed." Professor Pat Martz, a past member of the California State Historical Resources Commission states in revisions to her 2001 nomination of ORA-83 for listing on the National Register of Historic Places to the State Historic Preservation Officer, that house pit structural features are rarely found in Southern California and are extremely rare since the site was occupied during the Early Holocene/Millingstone Horizon of California prehistory. Semi-subterranean house pits are large circular depressions that were excavated below the surface a few feet and framed with poles and then thatched. Under normal climatic conditions (not consistently dry, or consistently wet) organic materials would not preserve. It is likely that the house pit structures would have a hard packed floor, post-holes and a hearth. Professor Martz contends that these house pit features are probably still present at the base of the site and that these semi-subterranean house pits have the potential to address important questions regarding village structure, social organization, settlement patterns, gender activities, and demographics, as well as relationship of the structures to astronomical features.

In November 2004 Commission staff accompanied the applicant and their consulting team on the project site to revisit a number of issues that had been raised at the October 2004 Commission meeting. At that time staff verified that the house pits had all been excavated and backfilled.

Archaeologists have recognized the astronomical significance of numerous archaeological sites in Southern California for more than 25 years and celestial observations have been conducted at several archaeological sites. Recently, among both scientists and Native Americans, there has been a growing interest in studying ORA-83 to determine if the site was a key location in the complex spiritual/philosophical system of knowledge regarding the Cosmos held by prehistoric Native Americans. Beginning in 1994, a Cogged Stone Site study team, made up of scientists and Native Americans, has tested its astronomical research design for ORA-83 several times. The According to Dr. Martz, the team proposed that the view from the elevated mesa encompasses geographic features that ethnographic data suggest may have functioned as cyclical astronomical alignments such as Catalina Island to the southwest and Point Fermin Heights to the west. The team discovered that the sun sets over West End Point of Santa Catalina Island for three days in late December, signaling the winter solstice, and that it rises directly over the Point Fermin Heights to indicate the spring and fall equinoxes. The Commission has found no evidence in the record of the previous permits that the approved mitigation measures were for impacts to archaeoastronomical resources.

A Native American from the Band of Luiseno Mission Indians, representing the Maritime Shoshone, Inc, a not-for-profit Native corporation, has sought to preserve a 7.4 acre portion of ORA-83 for its archaeoastronomical value. In Ms. Jeffredo-Warden's May 2004

2007

November 5th: Memo

To: Ed Mountford, Hearthside Homes
David Belardes, Juaneno Band
Anthony Morales, Gabrielino Band
Prof. Paul Langerwaller

CC: Jeff Couch
Tracy Stropes

This memo is to inform you that Ed Mountford has requested that only himself and the two most likely descendants attend the meeting on Tuesday the 6th. I will, therefore, not be attending. In accordance with a request from all three of you, I am submitting a tentative listing of concerns that should be resolved at this meeting.

1. Status of SRS Archaeological Work:

- a. There are 87 human bone concentrations that need to be reburied
 - 83 are completely removed from stretcher pedestals and pod
 - 4 remain to be removed from pods- completion expected mid-December
 - Prof. Langerwaller cannot complete his studies until the last 4 are done
 - Prof. Langerwaller will need 4-6 weeks to complete his work when the last four are done- completion expected mid-February
 - Coroner must see all 87 burials; last 4 must be completed for Coroner and examined by Langerwaller prior to Coroner's visit
 - All 87 will be laid out at once for Coroner, in all three bone trailers
- b. There are 83 prehistoric features that were uncovered with the burials
 - All 83 features have not been processed yet—
some have artifacts, some do not.
 - These include 4 cogged stones features
- c. There are 4217+/- artifacts that were found during the grading monitoring on Ora-83
 - Only the artifacts directly associated with the burials are in the processing of being processed and prepared for reburial.
 - These include cogged stones, discoidals, charmstones and beads
- d. There are 1622+/- artifacts that were found during the grading monitoring on Ora-85
 - Only the artifacts directly associated with the have been processed and reburied.
 - Artifacts to be processed include discoidals, charmstones and beads
- e. There are approximately 2,000 boxes of materials [including soils samples, rock features, shell features, shell samples and animal bone] from all 30 years of excavations on Bolsa Chica Mesa in a trailer on-site.
 - These have not been culled for distribution to the County of Orange or for reburial since there has not been any electricity in this trailer.
- f. There are over 100,000 artifacts [including debitage and other smaller items] that have been collected for the last 30 years on Bolsa Chica Mesa.
 - These have not been fully catalogued or fully analyzed.
 - Some were collected before computers were in common use and the information is not in the site database.
 - Some still have field numbers from surface collections, etc.
 - Includes cogged stones, discoidals, charmstones and beads.

ATTACHMENT NO. 9.150

11/11

9/30/93



SHERIFF-CORONER DEPARTMENT
COUNTY OF ORANGE, CALIFORNIA
INVESTIGATOR'S CASE NOTES

Case No. 93-5868-LL ☐ Death
Investigator CYLE Reviewed By CD

Being ☐ YES ☒ NO

CLASSIFICATION

- ☐ Natural - A ☐ Homicide ☐ Accident ☐ Other Involved
☒ Natural - NA ☐ SOS ☐ In Custody
☐ Natural - Dual ☐ Traze ☐ Undetermined ☐ Refer to PA
☐ Death ☐ Appointed ☐ Directed ☐ Coroner ☐ Other

Deceased's Name BONES, HUMAN
AKA _____

Address _____
City _____

Telephone _____ Age _____ DOB _____
Sex _____ Race _____ Ht _____ Wt _____ Hair _____ Eyes _____

☐ Married ☐ Divorced ☐ Never Married ☐ Widowed ☐ Other

Coffin _____

Occupation _____ SS # _____

Date Of Death _____ Time _____
Place Of Death Orange County Jail CA 09A-83

Thought ☐ IP ☐ ERCP ☐ DOA

Procured By _____

Call Requested From Attorney-Deputee Tra 0925

Date 9/30/93 104 1037 1038

Place Received FSC

FSC _____ Method _____

Requested By _____ Relationship _____

Time Called _____ Time Arrived _____

Access ☐ No ☐ Coroner ☐ Private ☐ Test ☐ Coroner ☐ SOD

MO Cause of Death _____

Per MO _____ Lic No. _____

Investigator _____ Date _____

GENERAL COMMENTS & NOTES

OUT TO SITE & MAKE A
PERCUTANITION.

A.T.C. Judy suchey : no AMS.

10/8/93 ope - contacted Judy

suchey - she will corner de-

satures & go to site & report
back. CD

A NATIVE AMERICAN

Commission

Notified @ 0945 11/3/93

Spoke to Debbie Treadway

STAMP Service ANA 1/5/4

416-653-11083

FL Cal Ora B3 W-26-fh-27

Native

Grading is complete

cleaning trees stump

located fragments

FOODS-587 (004570)

ID, Mark @ Scene _____ @ Post _____
City @ Scene _____ @ Post _____

Number Of Potentially Seized _____ By _____

G.R. # _____ Location Taken At _____ By _____

Physical Evidence Taken - By _____

Other Evidence _____

Disposition _____

Brand & Tag Taken _____ Disposition _____

Properties Taken _____ By _____

Seized By _____

NEXT OF KIN

Name _____ Relationship _____

Address _____

Name _____ Phone _____

Address _____

Relied By _____ Date _____ Time _____

☐ Being Party _____

Address _____

WITNESS/INFORMANTS

Name Attorney-Deputee Para 818-2877

Address Scientific Resource Surveys Inc.

Name _____ Phone _____

PROPERTY ☐ YES ☒ NO

Disposition ☐ NOX ☐ Money ☐ FSC Safe

☐ Other _____

Date Reported _____ Relationship _____

P.A. _____

PA. Cause Of Property: ☐ Yes ☐ No

REPORTS

Discard _____ Seized _____

ATTACHMENT NO

93-1
9.151

93-1

DATE
6
TIME

8/15/94 CALL from Anthropologist David Kice. He is informing us that more bones were found on a continuous site. He contacted N.I.H.C. & they told him to call us to keep us updated.

On Sept 93 several bones were found in Bolsa Chica Mesa, (an unincorporated area of A.R.) So of Warner. Dr. J. Suckley responded to scene & determined bones to be Indian. Since that date the site has been continually excavated by a company called SRS for Anthro. David Kice. Per D. Kice - Cor. office has been notified 3 times since the original notification.

DAVID Kice - 310 355 5143

SRS 714-898-7877

1440 Per Larry Meyers - N.I.H.C.

He told D. Kice to reinform us of new find in same site because he has noticed problems w/ notification in the past. There is no need for us to do anything.

Larry is going to look up ^{our} case # & call back.

Be

1500 Larry can't find case #. left was site 83.

5868

CASE NOTES

93-2
CASE # 93-DATE
&
TIME

PAGE #

8/15/94 Call from Anthropologist David Kice. He is informing us that more bones were found on a continuous site. He contacted NIHC & they told him to call us to keep us updated.

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David Kice - 310 395 5143

SRS

714 - 898 - 7877

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1500 Larry can't find case #. It was site 83.

5868

E

93-2

93-3

Judy Myers Suchey, Ph.D.

FORENSIC ANTHROPOLOGIST

CONSULTANT TO THE MEDICAL EXAMINER/CORONER
FOR THE COUNTIES OF LOS ANGELES, ORANGE, RIVERSIDE AND SAN BERNARDINO

October 9, 1993

PROFESSOR
DEPARTMENT OF ANTHROPOLOGY
CALIFORNIA STATE UNIVERSITY
FULLERTON, CA 92634

PHONE 714 524-1265
FAX 714 524-5150
DEEPEN 714 295 0592

Examination of teeth and maxillary fragment from
AC-1, Unit - 103

On October 8, 1993, I went to the office of the Chambers Group, Inc., having been called by Phillip de Barros on 10-4-93 regarding additional bone evidence at AC-1. On 10-4-93 additional adult human bone and dental evidence was found several cms lower than the tooth discussed in my report dated October 3, 1993. Six new fragmentary teeth and a maxillary fragment (weighing 9.3 gm) were found. These remains are human and appear to consist of a single individual (the previously discovered tooth included in this same individual). The teeth appear to be a maxillary canine and three incisors; identification is difficult due to the extreme attrition. The other two teeth appear to be two fragmentary premolars. All are heavily worn and the maxilla is highly mineralized; the material appears to be ancient Native American. The Native American Heritage Commission needs to be notified regarding this additional material.

Slides were taken to document these remains.

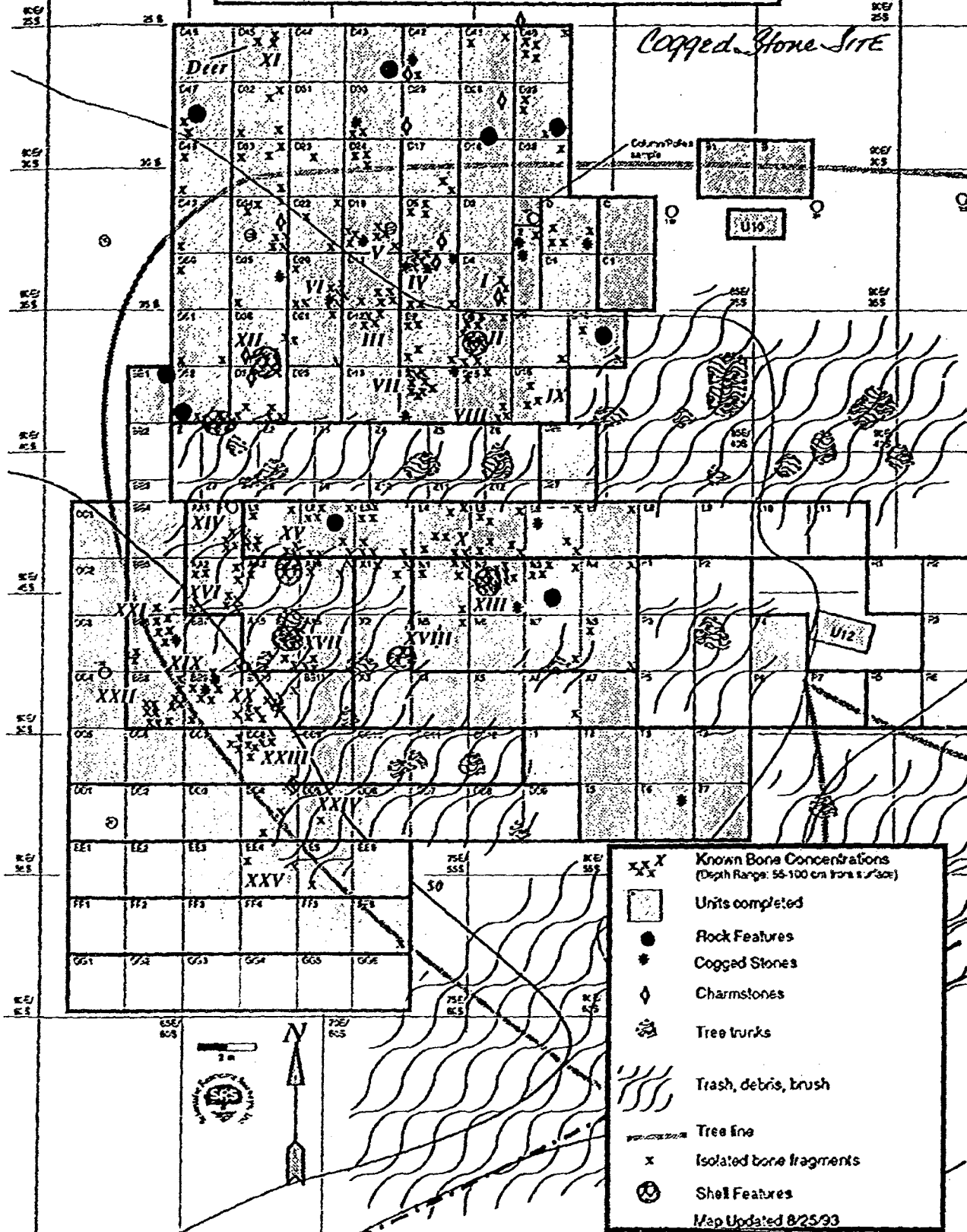
ANGE. HERITAGE - 916-653-4082

FAX - 657-5390

E
93-3

ATTACHMENT NO. 9.154

CA - Ora - 83



Judy Myers Suchey, Ph.D.

FORENSIC ANTHROPOLOGIST

CONSULTANT TO THE MEDICAL EXAMINER/CORONER
FOR THE COUNTIES OF LOS ANGELES, ORANGE, RIVERSIDE AND SAN BERNARDINO

October 9, 1993

JM Suchey
10-9-93

93-9

PROFESSOR
DEPARTMENT OF ANTHROPOLOGY
CALIFORNIA STATE UNIVERSITY
FULLERTON, CA 92634

PHONE 714 524-1265
FAX 714 524-5150
DEEPEN 714 299 0581

Examination of teeth and maxillary fragment from
AC-1, Unit - 103

On October 8, 1993, I went to the office of the Chambers Group, Inc., having been called by Phillip de Barros on 10-4-93 regarding additional bone evidence at AC-1. On 10-4-93 additional adult human bone and dental evidence was found several cms lower than the tooth discussed in my report dated October 3, 1993. Six new fragmentary teeth and a maxillary fragment (weighing 9.3 gm) were found. These remains are human and appear to consist of a single individual (the previously discovered tooth included in this same individual). The teeth appear to be a maxillary canine and three incisors; identification is difficult due to the extreme attrition. The other two teeth appear to be two fragmentary premolars. All are heavily worn and the maxilla is highly mineralized; the material appears to be ancient Native American. The Native American Heritage Commission needs to be notified regarding this additional material.

Slides were taken to document these remains.

AMGE. HERITAGE - 911-653-4082

FAX - 657-5390

ATTACHMENT NO. 9.156

5-26
92-15

**THE JUANENO BAND OF MISSION INDIANS
ACJACHEMEN NATION**

Chairperson: David Belardes
Vice-Chairperson: Jean Fietze
Member at Large: Alfonso Ollivares
Treasurer: Adeline Williams

February 25, 1994

Judy Myers Suchey, Ph.D.
Professor, Dept. of Anthropology
California State University
Fullerton, Ca 92634

RE: OUR ANCESTORS REMAINS FROM CA-ORA 83 and 423

Dear Judy,

Because of the recent press coverage and the lack of sensitivity surrounding our ancestors remains found at Bolsa Chica and Aliso Creek, I request that no further comments, maps or locations be revealed to the media, government officials, and or any other persons other than what the law requires.

I request that no photographs be taken of our ancestors and that any photographs previously taken be returned to the tribe. Also, it would only be appropriate that any reports written regarding our ancestors remains be submitted to the tribe first.

I have been in contact with Mr. Bisner, Mr. Lyles, and Ms. Gayle McNully regarding the possibility of having a workshop so that all parties will be clear of the policies and laws surrounding Native American remains.

In closing, I would hope you would consider using compassion when dealing with the "remains" of our great grandparents, mothers, fathers, sisters and brothers. Their spirits touch us deeply!

Sincerely,



David Belardes, Chairperson
Enclosure

cc. Tim Bisner
Bruce Lyles
Gayle McNully

Juaneno Band of Mission Indians, Acjachemen Nation - 31742 Via Belardes - San Juan Capistrano, CA 92675

E

92-15
ATTACHMENT NO. 9.157

NO. 337140

RECEIPT
COUNTY OF ORANGE
SHERIFF-CORONER DEPARTMENT

ON 2/18/84 Eileen
CASE TO FOR 2 RAPS.

- ① CA-ORA-83
- ② CA-ORA-365

OK PER S.B.

(F)

Received of: BRIKER, PAVITON (ETCEN)

Date 1-31-94

90802

Address: 215 LONG BEACH BLVD STE 301 Long Beach

For: CASE # 93-05868-LL d 91-05251-LL

NOTES

CASE CARDS, QCSA REPORT 5 REPORTS FROM Dr. Searcy

Paid By: Cash

Check No. 1156

By

T. L. 211

\$100.00

NO. 337140

RECEIPT

\$100.00

COUNTY OF ORANGE
SHERIFF-CORONER DEPARTMENT

On 2/08/94 Eileen

Case is for 2 PAPS.

① CA-ORA-83

② CA-ORA-365

OK REC 5.3.

③

Received of: Baker, Burton (Eileen Murphy) Date 1-31-94 90892

Address: 215 Long Beach Blvd Ste 300 City Long Beach

For: CASE # 93-05863-LL d 91-05251-LL

CASE CARDS, QCSO REPORT, 5 RECONS FROM Dr. Sweeney

By T. J. B. T.

Paid By: Cash Check No. 1156

FOCSO 113.1

93-6

93-6

**PAONE
CALLAHAN
McHOLM
& WINTON**
LAWYERS

ROBERT E. CALLAHAN
RICHARD J. FOSTER
ROGER A. GRABLE
SUSAN K. HORN
KENNETH D. JOHNSON
ALAN J. KESSEL
JOHN LEHR

STEVEN A. McHOLM
KATHLEEN CAROTHERS PAONE
TIM PAONE
MARCIA SULLY
DANIEL K. WINTON

* ALSO ADMITTED IN DISTRICT OF
COLUMBIA
** ALSO ADMITTED IN NEW YORK

February 9, 1994

HAND DELIVERED

Per JB → F.L.e

James Beisner
Chief Deputy
Orange County Sheriff-Coroner Department
1071 W. Santa Ana Blvd.
Santa Ana, CA 92703

Re: Case No. 93-5868-LL; Bolsa Chica

Dear Mr. Beisner:

During my meeting with Bruce Lyle of your office on Monday, he reviewed with me Judy Suchey's report on her site visit to Bolsa Chica. Noted as an attachment to her report was a map of the ORA-83 site. The map appeared to be quite detailed showing the general location of the excavation area with detailed annotations as to the nature of material found at the site, such as cogstones and charmstones. I believe that the map was prepared by the archaeologist and was provided to Dr. Suchey by either the archaeologist, Dr. Desautels, or a member of her staff; however, I do not think they anticipated that it would be attached to Dr. Suchey's report or included in the public file on this case.

It is my understanding that you have authorized the release of this map to Pat Ware. Ms. Ware has previously released Dr. Suchey's report to the newspapers and I do not doubt that she may also release copies of this map to members of the press, archaeological organizations and homeowner groups with whom she is working. Ms. Ware and members of her organization also announced at a televised public hearing in Huntington Beach that other members of the public could go to the coroner's office to obtain copies of Dr. Suchey's report (and map).

While there is no way to retrieve this map from Pat Ware after it has been distributed to her, I would like to request on behalf of my client, The Koll Company, the archeological consultant, and the Native American representatives with who I am working with on this matter, that in the event any other requests for copies of the material are made, that copies of the map not be provided. We understand that Dr. Suchey's report is a matter of public record, but we believe that in order to protect the site from archaeological vandalism and sightseers, maps showing the

03/16/94 / 19930.1

19100 VON KARMAN • 8th FLOOR • IRVINE, CALIFORNIA 92715 • 714-955-2900 • FAX: 714-955-9009
POST OFFICE BOX 19613 • IRVINE, CALIFORNIA 92713-9613

ATTACHMENT NO. 9.1/6

PAONE
CALLAHAN
McHOLM
& WINTON
LAWYERS

ROBERT E. CALLAHAN
RICHARD J. FOSTER
ROGER A. GRABLE
SUSAN K. HORN
KENNETH D. JOHNSON
ALAN J. KESSEL
JOHN LEHR*

STEVEN A. McHOLM
KATHLEEN CABOTTERS PAONE
TIM PAONE
MARCIA SCULLY
DANIEL K. WINTON

* ALSO ADMITTED IN DISTRICT OF
COLUMBIA
** ALSO ADMITTED IN NEW YORK

February 14, 1994

VIA FAX

Judy Myers Suchey, Ph.D.
Department of Anthropology
California State University
Fullerton, CA 92634

Re: Bolsa Chica

Dear Dr. Suchey:

Thank you for sending me your response to my letter. I appreciate you taking the time to review the articles and questions that I raised. During the last several days, one other item of information was presented to me regarding the release of your report to the newspapers. I know that you have stated that you did not send it to the press, and I believe you.

I have spent the last several days in discussions with the Coroner's office, however, regarding the release of the map that was attached to your report. I was particularly disturbed by the release of the map because, as you know, the location of archaeological sites is normally kept confidential to discourage site vandalism and destruction. The last thing I want to see is a map to and of ORA-83 published in the newspapers or shown on Huntington Beach public television. As a professional in your field, I am sure that you understand and share with me the sensitivity of this information.

I have been informed that the map was released because you requested the Coroner's office to release your report to Pat Ware. Absent your request, the map would not have been released so easily. I would like to know why you requested this information be disclosed to Ms. Ware. Did she make any representations to you regarding her need for this information? Given the fact that you spoke to her and discussed with her the existence of this report, why did you choose to give Ms. Ware the information, and were you made aware of her intentions to "go public" with your report? Given the sensitivity of archaeological sites, did it not occur to you to ask Ms. Ware what she intended to do with your report -- and more importantly -- what she intended to do with the map?

While I respect your request to be left out of any future discussions on this issue, you must understand that your decision to request the Coroner's office to release the report to Ms. Ware

021454 / 17733.1

19100 VON KARMAN • 8th FLOOR • IRVINE, CALIFORNIA 92715 • 714-955-2900 • FAX: 714-955-9009
POST OFFICE BOX 19613 • IRVINE, CALIFORNIA 92713-9613

ATTACHMENT NO. 9.161

93-8



COUNTY OF ORANGE, CALIFORNIA
INVESTIGATOR'S CASE NOTES

Case No. 99-05178ME
Investigator MEADER
Billing: ☐ YES ☒ NO

CLASSIFICATION

☐ Natural - A ☐ Homicide ☐ Accident ☐ Officer Involved
☒ Natural - NA ☐ Suicide ☐ SIDS ☐ In Custody
☐ Natural - Dual ☐ Traffic ☐ Undetermined ☐ Refer to PA
☐ Consult Donor ☐ Approached ☐ Declined ☐ Cornea ☐ Other
Decedent's Name BONES, Human/Patient
☐ AKA ANALIC
☐ Tentative I.D. _____

Address _____
City _____ Zip Code: _____
Telephone _____ Age _____ DOB _____
Sex _____ Race _____ HI _____ WT _____ Hair _____ Eyes _____
☐ Married ☐ Divorced ☐ Never Married ☐ Widowed ☐ Children
Occupation (Before Retirement) _____

Date of Death FD 08/05/99 Time 1130 Day Tues
Place of Death FD Construction site

Hospital ☐ ER/OP ☐ IP ☐ DOA ☐ Convalescent Hosp ☐ Board & Care
Pronounced By _____
Reporting Party Robert Bear-Sanctified Person Time 1345
Date 8/13/99 10-8 10-97 10-98 _____
Placed Received ESC
Mortuary _____ Phone _____
Relationship _____
Transport by _____ Time Called _____
Autopsy: ☒ No ☐ Coroner ☐ Private ☐ Tox ☐ Cultures ☐ SO-ID
MD Cause of Death _____
Per MD _____ Lic No: _____
Investigator _____ Date _____

☐ TRAFFIC ☐ INDUSTRIAL ☐ OTHER
Type _____
Place _____
Zip Code: _____
Date _____ Time _____
Weapon _____
Ser. No. _____ Dispo. _____
Registered Owner _____
Suicide Note ☐ Yes ☐ No Dispo. _____
Type of Vehicle _____ License _____
Reg. Owner _____
Tow Company _____ Phone _____
Decedent: Driver _____ Psgr _____ Pedestrian _____
Restraints ☐ Yes ☐ No ☐ Unk Helmet(s) ☐ Yes ☐ No ☐ Unk
Deployed Air Bag ☐ Yes ☐ No Ejected ☐ Yes ☐ No
Travel Direction _____ on _____
Position in Vehicle _____
Other Vehicle _____
Travel Direction _____ on _____
Number of Persons in Decedent's Vehicle _____

REPORT DATE

Police Agency _____ Time PD Called _____
Officer _____ File No. _____
Investigator _____ Charges ☐ Yes ☐ No

NOTIFICATIONS

☐ CAR Record ☐ Yes ☐ No
☐ CDC ☐ DA ☐ SIDS ☐ OSHA ☐ State Lic ☐ NTSB Name: _____
Name _____ Dept _____ Date _____ Time _____

Scene _____ AL Autopsy _____
Work _____ I.D. Case # _____
Im _____
Number of Polaroid(s) Submitted _____ By _____
Physical Evidence _____
GSR Kit # _____
Position/Taken by _____
Food & Tox. Taken NO Disposition _____
Fingerprints Taken NO By _____
Initiated By J. Suckey as Native American Human

NEXT OF KIN MINOR CHILD ☐

Name _____ Relationship _____
Address _____
Phone _____ Bus. Phone _____ Zip Code: _____
Name _____ Relationship _____
Address _____ Zip Code: _____
Phone _____ Bus. Phone _____
Dated By _____ Date _____ Time _____
Billing Party _____
Address _____

WITNESS/INFORMANTS

Name LISA WOODWARD Phone _____
Address MENTOR AT SITE
Phone _____
Address _____
Phone _____
Address _____
Phone _____

PROPERTY ☐ YES ☒ NO

Position: ☐ NOK ☐ Mortuary ☐ FSC Safe ☐ OCSD Property
P.A. _____
P.A. Investigator _____

ATTACHMENT NO. 9.162

8/99-1
Exhibit
E

8/99-1

8/99 - 2
E

CASE # 99-05178.MI

PAGE # 1/

DATE
&
TIME

8.3.99

1625
AD

CI called for Robert Beer - Karen Williams, Admin. Asst. to Beer told me Beer had already gone for the day.

At 1700 HOURS the bones w/ surrounding dirt will be moved to a secured shed. NO one will have access to the shed after 1700 HOURS. D/T the drive / traffic time I explained I could not be at the location in 30 minutes Williams directed that the Coroner's Office call Lisa Woodward - Archaeologist at 909-323-9340 she will be on site

8.4.99 at 0730-0745 HOURS.

Bones = (1) Skull (1) Tooth

1950

8/3/99

Judy Suchey called - she was in the San Bernardino mountains and her cell could not get out. I ran the cros by her and she will call Lisa Woodward in the morning - Dr. Suchey has an early morning appointment and will be in around noon. To pickup a copy of the work card, etc.

(cc)

8-3-99

0738

CALL FROM J. SUCHEY SHE IS TRYING TO REACH LISA WOODWARD + upon REACHING HER will RESPOND TO SCENE + CALL US FROM THERE. (BA)

ATTACHMENT NO. 9.163 8/99 - 2

8/99-3
2

CASE # 99-05178 ME

DATE
&
TIME

PAGE # _____

8/10/99

I received a call from J. Suchey Forensic Anthropologist regarding this case. She was reporting that SRS had reburied the bones. She said this violated the previous agreement by SRS to hold the bones in their lab. I asked if the Native American Heritage had been consulted & Suchey said she did not know. Her concern was that the bones were re-interred w/out the coroners permission. She will send a memo to FSC w/ her concerns. (u)

550

Call to Gail McNolte at Native American Heritage. She was aware of the reinterment & it was done with her knowledge. They have no concerns. (u)

8/99-3

ATTACHMENT NO. 9.164

8/99-4 99-4

Judy Myers Suchey, Ph.D.

FORENSIC ANTHROPOLOGIST

CONSULTANT TO THE MEDICAL EXAMINER/CORONER
FOR THE COUNTIES OF LOS ANGELES, ORANGE, RIVERSIDE AND SAN BERNARDINO

August 5, 1999

PROFESSOR
DEPARTMENT OF ANTHROPOLOGY
CALIFORNIA STATE UNIVERSITY
P.O. BOX 6846
FULLERTON, CA 92834-6846

PHONES 714-524-1265
714-773-3706
FAX 714-524-5150
BEEPER 714-295-0591

J M Suchey E

In situ examination of skeletal remains at
construction site (Orange County Coroner Case 99-05178ME)

On August 4, I went to the construction site at the intersection of Bolsa Chica and Los Patos in Huntington Beach. At this location skeletal fragments were found underneath a Native American artifact in bulldozed area where the construction of condominiums is planned. The archaeological company involved in the mitigation is SRS (Scientific Resource Surveys). This location is near the former archaeological site CA-Ora-83 where I did an in situ examination of remains on October 12, 1993. I do not have a Coroner's case number in my file for that visitation but I have a one page report with attachments.

At the site on August 4 I talked with Lisa Woodward (of SRS) 909-323-9340 who explained to me the situation surrounding the skeletal fragments. I identified them as human (based on the left orbit--largely zygomatic and incisor tooth); prehistoric (based on severe dental attrition on the tooth, coloration and mineralization of bone). The remains are extremely fragmentary--consisting of only one tooth and multiple small fragments of cranium. The remains are consistent with being from a single individual. Woodward told me that Robert Beer (President of the company 909-767-2555) had already phoned the Native American Heritage Commission with a tentative diagnosis.

I indicated that the Orange County Coroner would be making official notification. David Belardes (Native American) was at the site at the time of my visit. I instructed Lisa Woodward to call the Orange County Coroner again if additional human remains are found in the area. The construction is over so it is not likely that there will be additional finds. The plan was to remove the area surrounding the remains and keep them in the lab of SRS. The remains would be held until the construction had been totally finalized and then the remains could be reburied.

If the Coroner has further instructions, Lisa Woodward can be notified. If new calls come in regarding remains I suggest that the investigator (Meador) speak with me on the phone and we can make suggestions as to the best manner to handle the situation. The nearby site Ora-83 was a highly controversial site where multiple burials of great antiquity became the subject of a dramatic controversy between environmentalists and developers. To avoid a re-play of this drama, the Coroner needs to keep track of the number of burials being found at this location. Hopefully, the one observed on August 4 will be the only one.

Photographs were taken to document the evidence.

FURTHER ACTION NEEDED:

Native American Heritage Commission should be notified by Inv. Meador or other Coroner personnel.

8/99-4

ATTACHMENT NO. 9.165

ORANGE COUNTY SHERIFF-CORONER JURISDICTIONAL INQUIRY REPORT

E

11/99 - 1

11-99-1

NAME OF DECEASED (LAST, FIRST MIDDLE) BONES, Human (Ancient)				AKA		CASE NUMBER 99-07108-LL	
INVESTIGATOR Bruce E. Lyle		REPORTED BY Nancy Desautels		REPORTING AGENCY Scientific Resources Surveys		REFERENCE NUMBER None	
CALL DATE AND TIME 11/04/1999 17:20		DISPATCH DATE AND TIME 11/05/1999 12:00		ARRIVAL DATE AND TIME 11/05/1999 12:31		RETURN DATE AND TIME 11/05/1999	
DATE AND TIME OF DEATH 11/03/1999 10:30 Found		DATE OF BIRTH		AGE		GENDER Not Applicable	
RESIDENCE (STREET, CITY, STATE, ZIP)		UNINCORPORATED AREA <input type="checkbox"/>		COUNTY Orange		RACE Not Applicable	
MARITAL STATUS		SOCIAL SECURITY NUMBER		DRIVER'S LICENSE NO. AND STATE		OCCUPATION	
						EMPLOYER	
LOCATION OF DEATH							AT RESIDENCE <input type="checkbox"/>
ORA 83/Huntington Beach							
ADDRESS (STREET, CITY, STATE, ZIP)							COUNTY
17201 Bolsa Chica Road, Huntington Beach, CA 92647							Orange
<input checked="" type="checkbox"/> FOUND BY		<input type="checkbox"/> PRONOUNCED BY		AGENCY		DATE AND TIME	
Scientific Resources Surveys				Archeologist			
LOCATION OF INCIDENT							AT WORK <input type="checkbox"/>
ORA 83/Huntington Beach							
ADDRESS (STREET, CITY, STATE, ZIP)							COUNTY
17201 Bolsa Chica Road, Huntington Beach, CA 92647							Orange
INVESTIGATING AGENCY			REFERENCE NUMBER		OFFICERS		
Orange County Coroner's Office			99-07108		Coroner Investigator D. Ralsten		
CIRCUMSTANCES OF DEATH							
Probable Native American remains found at development site.							
NAME OF PERSON NOTIFIED						RELATIONSHIP	
Native American Heritage Com.						State Agency	
ADDRESS (STREET, CITY, STATE, ZIP)						TELEPHONE NO.	
						(916) 653-4082	
NOTIFIED BY				METHOD		DATE AND TIME	
Investigator Ralsten				Phone		11/05/1999 16:48	
LEGAL NEXT OF KIN						RELATIONSHIP	
ADDRESS (STREET, CITY, STATE, ZIP)						TELEPHONE NO.	
IDENTIFIED BY				METHOD		DATE AND TIME	
Judy Suchey, PhD				Anthropology		11/05/1999	

11/99 - 1
ATTACHMENT NO. 9.166



CASE NOTES

Case Number: 99-07108

DECEDENT NAME: BONES, Human

DATE OF DEATH: 11/03/1999

Date	Time	Initials	Comments
11/5/99	0940	LY	Spoke to Nancy Desautels at the site and she will not be there the remainder of the day. She also stated no one will be at the site until Mon. 11/8, d/t they work M-F, 10 hours shifts. I left another message on Judy Suchey's answering machine to this fact. LY
11/5/99	11:00	LY	BE informed me that Judy Suchey would be responding to the FSC and accompanying RA to the site of the dig. RA & Judy left for HB at approx 1145 hrs..LY <u>PA</u>
11-5-99	1633	Ra	At the direction of CDC Berndt, I and Dr. J Suchey went out to 17201 Bolsa Chica Ave. leaving at 1200 hours and arriving at 1231 hours. We spoke to Robert Beer Scientific Resource Surveys, Inc 909)767-2555. He showed us the bone specimens and directed us out to site where an additional bone was in-situ. There were 3 bones along with a few fragment out and another one exposed in side wall of trench. The bone in trench wall has about 2" exposed and is about 1 1/2' - 2' down from surface. Although surrounded by browner dirt it extends into redish dirt which, R. Beer said is pre ice age. Trench was about 50 yards long about 3' wide and about 5' deep. Dr. Suchey examined the bones and determined them to be ancient <u>PA</u>

R. Beer said he thought this find was not with in the boundies of ORA83 but was not sure of it. Also there were no other artifacts or tools found with the bones or in the immediate area. The normal process of digging is scooping aout 15 cm at a time. The trench was dug as a geologic survey for soil conditions. The bones were found on Wednesday(11-3-99) at unknown time. The bones were first found by an archeologist and a native american monitor at the same time. The loose bones were collected from the loose dirt next to the trench. He was unaware of who the native american monitors were. The "nearest decendent" for this site is David Belardes. The area over the find has been used as agriculture land for some 75 +/- years. PA

I spoke to Edward Mountford with Hearthside Homes Inc. 949)250-7700. He said the area is planed to be single family homes eventually. He said that although he did not try to call the coroners office his staff member Lucy Dunn (spelling?) called the Sheriff's office yesterday "AM" (11-4-99) to report the find, A message was left for the Sheriff to call back. After a couple hours a second call was put into the Sheriff re: the bones R/P was unaware of what transpired from then PA

I spoke to Nancy Whitney-Desautels Scientific Resource Surveys (909)767-2555, she said the find was with in ORA83. The bones were found in the loose fill dirt about noon by native american monitor Matt Doame and SRS employee Bill Larson. SRS will now perform an excavation of area for recovery of existing bone. I instructed her that if there are any more bones found that they should call the Coroners office not the Sheriff. She seemed to understand this PA

The three loose bones and fragments were released to Robert Beer for transfere to the Native American Heritage PA

11-5-99	1648	Ra	I called the Native American Heriatge and left a message on voice mail of "Gloria" (916)653-4082 informing her of the find and of our determination of "ancient" <u>PA</u>
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11/99-2
11/99-2
ATTACHMENT NO. 9.167

DATE
&
TIME

11-22-99

1145

REC. CALL FROM NANCY DESANTELS 909-767-2555 AT THE BOLSA CHICA SITE ORA-83. SIMILAR BONES AS PREVIOUS HAVE BEEN DISCOVERED. THEY ARE STILL IN GROUND AND WILL NOT BE MOVED UNTIL AFTER THE HOLIDAYS, 11-29-99. PAUL LANGERWALTERS WILL BE ONSCENE IN A COUPLE OF HOURS TO EXAMINE. (ES)

1150

ADVISED BE OF CIRCS, REQUESTED JUDY SUCHET BE ADVISED OF CIRCS. (ES)

1215

PAGED DR. SUCHET (ES)

1320

REC. CALL FROM DR. SUCHET, I ADVISED HER OF CIRCS: SHE STATED THAT PAUL LANGERWALTERS IS QUALIFIED TO MAKE DETERMINATION IF ANCIENT OR MODERN. PAUL DID LOOK AT PREVIOUS BONES. JUDY SUGGESTED THAT PAUL CALL SUCHET HER WITH REPORT OR CALL FSC WITH FINDINGS. (ES)

1350

REC. CALL FROM PAUL LANGERWALTERS WHO EXAMINED BONES AT SITE ORA-83 TODAY. PAUL STATED THAT REMAINS THAT HE CAN ID ARE PREHISTORIC THERE APPEARS TO BE A TIBIA SHAFT, TWO FEMURALS AND A HUM BONE THAT IS PARTIALLY EXPOSED AND APPEARS TO BE A FIBULA. HE STATED THAT THIS IS SOMETHING THAT SHOULDN'T INTEREST US. PAUL ALSO STATED THAT SEVERAL REPRESENTATIVES FROM AMERICAN HERITAGE WERE PRESENT THIS AM DURING HIS EXAM. BONES WILL BE LEFT IN GROUND UNTIL AFTER HOLIDAYS. (ES)

11/99-3

ATTACHMENT NO. 9.16

ORANGE COUNTY SHERIFF-CORONER

CORONER DIVISION

INVESTIGATIVE WORKSHEET

3/30/00 - 1 E

Report Date: 4/14/2008

NAME OF DECEASED (LAST, FIRST MIDDLE) BONES, Human - ancient indian		CALL DATE AND TIME 03/04/2000 12:30		MANNER Jurisdictional Inq.		CASE NUMBER 00-02277-RO	
CORONER INVESTIGATOR Richard L. Rodriguez		REPORTED BY Dr. Paul Langenwaller		REPORTING AGENCY Archeologist for SRS Const.		REFERENCE NUMBER	
LOCATION OF DEATH FND <input checked="" type="checkbox"/> ER/OP <input type="checkbox"/> IP <input type="checkbox"/> Construction site		ADDRESS (STREET, CITY, STATE, ZIP) AT RESIDENCE <input type="checkbox"/> ORA #83 at Bolsa Chica Mesa, Irvine, California				PHONE	
DATE AND TIME OF DEATH 03/30/2000 0:00 Found		DATE OF BIRTH		AGE		GENDER Unknown	
NAME AKA:		RESIDENCE (STREET, CITY, STATE, ZIP)				RACE Not Applicable	
MARITAL STATUS		SOCIAL SECURITY NUMBER		OCCUPATION / EMPLOYER			
<input checked="" type="checkbox"/> FOUND BY <input type="checkbox"/> PRONOUNCED BY SRS		AGENCY/RELATIONSHIP		PROPERTY COLLECTED? <input type="checkbox"/>		PA CASE <input type="checkbox"/>	
IDENTIFIED BY Dr. Suchey		METHOD Anthropology		DATE AND TIME 04/07/2000 15:15		DL STATE / NUMBER	
LOCATION OF INCIDENT AT WORK <input type="checkbox"/>		ADDRESS (STREET, CITY, STATE, ZIP)				COUNTY Orange	
INJURY DESCRIPTION				INJURY DATE/TIME			
INVESTIGATING/LAW ENFORCEMENT AGENCY		REFERENCE NUMBER		OFFICER			
MORTUARY		CORONER AUTOPSY? No		BODY EXAMINATION DATE/TIME		RELEASE DATE AND TIME	
ATTENDING PHYSICIAN		ATTENDING PHYSICIAN ADDRESS				ATTENDING PHYSICIAN PHONE	
PHOTOS TAKEN? No		ADMITTED FROM				ADMITTED FROM DATE/TIME	
HEIGHT		WEIGHT		EYE COLOR		GLASSES	
COMPLEXION		TEETH		HAIR COLOR		HAIR TYPE	
HAIR LENGTH		FACIAL HAIR		ENVIRON. TEMP.		CALOR	
LIVIDITY				RIGOR			
SCARS				MARKS			
TATTOOS				CLOTHING			
<p>SUMMARY</p> <p>The Coroner's Office was notified of possible human remains discovered at a construction site. Dr. Suchey, Forensic Anthropologist, responded to the site with Deputy Coroner Rodriguez and determined the remains were of non forensic value and consistent with ancient human remains. The bones were released to the Native American Heritage Commission.</p>							

3/30/00 - 1

ATTACHMENT NO. 9.169

ORANGE COUNTY SHERIFF
CORONER DIVISION



FOLLOW-UP NOTES

Case Number: 00-02277 - RO

DECEDENT NAME: BONES, Human

DATE OF DEATH: 03/30/2000

Date, Time And Initials On All Entries

respond any time Thursday with a deputy coroner if necessary. (MA)

FOLLOW UP REQUEST & ACTIONS TAKEN:

Contact Dr. Langenwaller and advise him to stop the dig and notify us if he recognizes the bones are human. A deputy coroner and Dr. Suchey will respond if human and handle per established policy. 04/04/00 1730 (MA)

4/7/00 @ 1000

I attempted to contact Paul Langenwaller per Assistant Chief's directive. I left a voice message requesting he contact this division with an update on the remains. (TO 4/7/00 @ 1005)

4/7/00 @ 12196

I received a call back from Paul Langenwaller who said that he has determined that the remains discovered on 3/30/00 were indeed human. Wednesday 4/5/00 crews excavated and exposed a skull, limb bone, a jaw with teeth and a left foot. There were prehistoric artifacts uncovered along with the remains which included an abrading stone. The wear on the teeth were consistent with prehistoric specimens. It was determined that the remains were prehistoric Native American remains. ~~The Native American Commission was advised and has had representatives on sight the past few days.~~ The remains were in the process of being further exposed. There is no building construction ongoing. The excavation at this point is purely of an archeological nature. He anticipates that the excavation will conclude this afternoon along with the removal of the remains by the Native American Council members. Dr. Judy Suchey has been made aware of the situation. (TO 4/7/00 @ 1245)

4/7/00 @ 1300

I spoke to Dr. Judy Suchey via her cell phone and requested she respond with one of our Deputies to the excavation site. She agreed but said that she would meet the responding Deputy at FSC and proceed with them to the site. (TO 4/7/00 2 1305)

4/13/00 @ About 0830

I received a telephone call from Gayle of the Native American Heritage Commission inquiring into the status of site ORA#83. I told her that Dr. Suchey and a Deputy from our division went out to the site last week and confirmed that the remains were of no Forensic Value. She seemed upset and asked why she was not notified of the findings. I told her that Paul Langenwaller relayed to me during my conversation with him on 4/7/00 that Native American Commission representatives were at the site during the excavation and were aware of the findings. (TO 4/13/00 @ 0950)

4/13/00 @ 0955

Per MA's direction, I called Paul Langenwaller to get the names of the individuals he notified and were present from the Native American Commission. Paul's daughter answered and said that Mr. Langenwaller was not available at the time and would not be in until sometime this afternoon. I left a message for Mr. Langenwaller to contact FSC and ask for the Watch Commander. (TO 4/13/00 @ 0955)

4/13/00 @ 1055

I received a call back from Paul Langenwaller who said that he had contacted and was dealing with the following "tribal" representatives: Joyce Perry, David Bollardy, Nation Ponva representative Gabriel Aleña, and the onsite representative was Robert Dorne. I asked specifically if he had contacted the Native American Heritage Commission and he said he had spoken only to those individuals listed above. He knows nothing about the Native American Heritage Commission. (TO 4/13/00 @ 1100)

CASE DEPUTY ACTIONS:

On 04/07/00 Deputy Rodriguez responded to the scene with Dr. Suchey. Dr. Suchey examined the remains and confirmed they were of no forensic value and consistent with ancient human. (MA)

04/07/00 @ 1355

I received instructions from Assistant Chief R. MacAnally to assist and escort Dr. Judy Suchey, Forensic Anthropologist to a site know as Bolsa Chica Mesa, where skeletal remains had been unearthed during construction. Prior information had been received in the coroner's office on 03-30-00 of this find that the remains were of possible Native American Indian. A case number was assigned, however, the case had not been assigned an investigator, pending the examination of Dr. Suchey. This area has been given a site area

ATTACHMENT NO. 9.170

ORANGE COUNTY SHERIFF
CORONER DIVISION



E

FOLLOW-UP NOTES

Case Number: 00-02277 - RO

3/30/00 - 2

DECEDENT NAME: BONES, Human

DATE OF DEATH: 03/30/2000

Date, Time And Initials On All Entries

respond any time Thursday with a deputy coroner if necessary. (MA)

FOLLOW UP REQUEST & ACTIONS TAKEN:

Contact Dr. Langenwalter and advise him to stop the dig and notify us if he recognizes the bones are human. A deputy coroner and Dr. Suchey will respond if human and handle per established policy. 04/04/00 1730 (MA)

4/7/00 @ 1000

I attempted to contact Paul Langenwalter per Assistant Chief's directive. I left a voice message requesting he contact this division with an update on the remains. (TO 4/7/00 @ 1005)

4/7/00 @ 12196

I received a call back from Paul Langenwalter who said that he has determined that the remains discovered on 3/30/00 were indeed human. Wednesday 4/5/00 crews excavated and exposed a skull, limb bone, a jaw with teeth and a left foot. There were prehistoric artifacts uncovered along with the remains which included an abrading stone. The wear on the teeth were consistent with prehistoric specimens. It was determined that the remains were prehistoric Native American remains. ~~The Native American Commission was advised and has had representatives on sight the past few days.~~ The remains were in the process of being further exposed. There is no building construction ongoing. The excavation at this point is purely of an archeological nature. He anticipates that the excavation will conclude this afternoon along with the removal of the remains by the Native American Council members. Dr. Judy Suchey has been made aware of the situation. (TO 4/7/00 @ 1245)

4/7/00 @ 1300

I spoke to Dr. Judy Suchey via her cell phone and requested she respond with one of our Deputies to the excavation site. She agreed but said that she would meet the responding Deputy at FSC and proceed with them to the site. (TO 4/7/00 2 1305)

4/13/00 @ About 0830

I received a telephone call from Gayle of the Native American Heritage Commission inquiring into the status of site ORA#83. I told her that Dr. Suchey and a Deputy from our division went out to the site last week and confirmed that the remains were of no Forensic Value. She seemed upset and asked why she was not notified of the findings. I told her that Paul Langenwalter relayed to me during my conversation with him on 4/7/00 that Native American Commission representatives were at the site during the excavation and were aware of the findings. (TO 4/13/00 @ 0950)

4/13/00 @ 0955

Per MA's direction, I called Paul Langenwalter to get the names of the individuals he notified and were present from the Native American Commission. Paul's daughter answered and said that Mr. Langenwalter was not available at the time and would not be in until sometime this afternoon. I left a message for Mr. Langenwalter to contact FSC and ask for the Watch Commander. (TO 4/13/00 @ 0955)

4/13/00 @ 1055

I received a call back from Paul Langenwalter who said that he had contacted and was dealing with the following "tribal" representatives: Joyce Perry, David Bollardy, Nation Ponva representative Gabriel Alenia, and the onsite representative was Robert Dome. I asked specifically if he had contacted the Native American Heritage Commission and he said he had spoken only to those individuals listed above. He knows nothing about the Native American Heritage Commission. (TO 4/13/00 @ 1100)

CASE DEPUTY ACTIONS:

On 04/07/00 Deputy Rodriguez responded to the scene with Dr. Suchey. Dr. Suchey examined the remains and confirmed they were of no forensic value and consistent with ancient human. (MA)

04/07/00 @ 1355

I received instructions from Assistant Chief R. MacAnally to assist and escort Dr. Judy Suchey, Forensic Anthropologist to a site know as Bolsa Chica Mesa, where skeletal remains had been unearthed during construction. Prior information had been received in the coroner's office on 03-30-00 of this find that the remains were of possible Native American Indian. A case number was assigned, however, the case had not been assigned an investigator, pending the examination of Dr. Suchey. This area has been given a site area

3/30/00 - 2

ATTACHMENT NO. 9.171

ORANGE COUNTY SHERIFF-CORONER

E 4/27/2000 - 1

CORONER DIVISION

INVESTIGATIVE WORKSHEET

Report Date: 4/14/2008

NAME OF DECEASED (LAST, FIRST MIDDLE) BONES, Human - ancient indian		CALL DATE AND TIME 04/27/2000 20:35		MANNER Jurisdictional Inq.		CASE NUMBER 00-02791-LY	
CORONER INVESTIGATOR Joseph D. Luckey		REPORTED BY		REPORTING AGENCY		REFERENCE NUMBER	
LOCATION OF DEATH FND <input type="checkbox"/> ER/OP <input type="checkbox"/> IP <input type="checkbox"/> ORA#83		ADDRESS (STREET, CITY, STATE, ZIP) AT RESIDENCE <input type="checkbox"/> Bolsa Chica Ecological Reserve, , California				PHONE	
DATE AND TIME OF DEATH 04/27/2000 14:00 Found		DATE OF BIRTH		AGE		GENDER Unknown	
NAME AKA:		RESIDENCE (STREET, CITY, STATE, ZIP)				RACE Not Applicable	
MARITAL STATUS		SOCIAL SECURITY NUMBER		OCCUPATION / EMPLOYER			
<input type="checkbox"/> FOUND BY <input type="checkbox"/> PRONOUNCED BY		AGENCY/RELATIONSHIP		PROPERTY COLLECTED? <input type="checkbox"/>		PA CASE <input type="checkbox"/>	
IDENTIFIED BY		METHOD		DATE AND TIME		DL STATE / NUMBER	
LOCATION OF INCIDENT AT WORK <input type="checkbox"/>		ADDRESS (STREET, CITY, STATE, ZIP)				COUNTY Orange	
INJURY DESCRIPTION				INJURY DATE/TIME			
INVESTIGATING/LAW ENFORCEMENT AGENCY		REFERENCE NUMBER		OFFICER			
MORTUARY		CORONER AUTOPSY? No		BODY EXAMINATION DATE/TIME		RELEASE DATE AND TIME	
ATTENDING PHYSICIAN		ATTENDING PHYSICIAN ADDRESS				ATTENDING PHYSICIAN PHONE	
PHOTOS TAKEN? No		ADMITTED FROM				ADMITTED FROM DATE/TIME	
HEIGHT		WEIGHT		EYE COLOR		GLASSES	
HAIR COLOR		HAIR TYPE		HAIR LENGTH		FACIAL HAIR	
LIVIDITY		RIGOR		COMPLEXION		TEETH	
SCARS		MARKS		ENVIRON. TEMP.		CALOR	
TATTOOS		CLOTHING					
SUMMARY Received a call reporting the discovery of ancient human bones at the ORA#83 site. Case number issued.							

4/27/00 - 1

ATTACHMENT NO. 9.176

ORANGE COUNTY SHERIFF – CORONER DEPARTMENT

FAX COVER SHEET

TO: Flossie Horgan PHONE: _____ FAX: 714 536-7262

ORGANIZATION Bolsa Chica Land Trust

FROM: Le'Lonnice PHONE: (714) 647-7400 FAX: (714) 647-6122

DATE: 02/21/08 NUMBER OF PAGES (+COVER) 7

CORONER CASE/NAME: Several Indian or ancient bones cases

CLASSIFICATION OF DEATH: 0203972-6A

ITEM(S) FAXED: TOX _____ MICRO _____ VOD _____ NEURO _____

NEUROMICRO _____ CI _____ SUMMARY X

NOTES:

WARNING/CONFIDENTIAL

This facsimile transmission constitutes a confidential communication intended **only** for the addressee indicated above. Please notify us as soon as possible at the telephone number shown above of any error in transmission. Thank you for your cooperation.

ATTACHMENT NO. 02-5 9.17

ORANGE COUNTY SHERIFF
CORONER DIVISION



FOLLOW-UP NOTES

Case Number: 00-02791 - LY

E

4/27/2001-2

DECEDENT NAME: Bone, Bone

DATE OF DEATH: 04/27/2000

Date, Time And Initials On All Entries

4/28/00 @ 1225

I attempted to contact Scientific Resource Surveys (SRS) at 909 767-2555 but only got an answering machine. I left a voice message requesting a call back on accessibility to the remains. (TO 4/28/00 @ 1230)

4/28/00 @ 1315

I received a telephone call from William Larson (562 697-9976) who informed me that the remains were currently locked in an office onsite at ORA#83. The site had been closed down after the find last evening and would not be reopened until 5/1/00 at 0700 hours. I told him that we wanted to have our Forensic Anthropologist and a Deputy Coroner respond to the site on Monday 5/1/00 and examine the find.

He indicated that the find consisted of a femur/long bone. The site where the remains were found appears to have more remains just below the location where the long bone was found. (TO 4/28/00 @ 1315)

Awaiting a call from Dr. Judy Suchey concerning availability to view the site and the find. Ask her if she would be available to go to the site on Monday 5/1/00 morning. (TO 4/28/00 @ 1330)

4/28/00 @ 1550

I received a call back from Dr. Suchey who indicated that she would be able to respond to the site 5/1/00 @ 1100 hours. She said that she would come to FSC and drive to the site with the assigned Deputy Coroner. (TO 4/28/00 @ 1555)

5/1/00 @ 1130 hrs - Dr. Suchey and I drove to site ORA#83 and arrived at 1200 hrs. We spoke with Mathew Dorame and Joyce Perry and they told us the bones were uncovered on 4/27/00 at 1430 hrs by Chuck Burnette (field tech). The bones were found near the site where, previously, other bones had been located. Dr. Suchey took several pictures and examined the bones and deemed them to be of no forensic value. (5/6/00 @ 1055 hrs HO)

5/17/00 @ 1605 hrs. A call was received from Paul Langenwalter

reporting a discovery at 14:30 at ORA#83 of

A femur shaft and long bone fragments approx. 5-7 meters from the discovery on 4/27/00 at this site. Information of this find was documented on the ancient discovery log in public records. LY

On 5/18/00 @ 0840 hours I spoke with Cathy at the Native American Heritage Commission and notified her of yesterday's find. (TO 5/18/00 @ 0840)

CASE DEPUTY ACTIONS: Entry made on the DESIGNATED ARCHEOLOGICAL SITES log, 5/10/00 1809 LY.

NOTIFICATIONS (WHO NOTIFIED, DATE & TIME): MA 4/27/00 2050 hrs.

4/27/00-2

ATTACHMENT NO. 29.17



THE GABRIELINO TONGVA INDIANS
OF CALIFORNIA TRIBAL COUNCIL

MATHEW DORAME
TRIBAL SECRETARY

3450 SLAUBON AVENUE SUITE 151
CULVER CITY, CALIFORNIA 90230
PHONE: 714-879-4456 FAX: 562-920-9449

5-00756

4/27/00-5

ATTACHMENT NO. 7.17

ORANGE COUNTY SHERIFF-CORONER

6/13/02-1 E

MICHAEL S. CARONA, SHERIFF- CORONER

JURISDICTIONAL INQUIRY REPORT

Report Date: 08/08/2002

NAME OF DECEASED (LAST, FIRST MIDDLE) Bones , Human Ancient		CALL DATE AND TIME 06/13/2002 16:30		TYPE Jurisdictional Inq.		CASE NUMBER 02-03972-GA	
CORONER INVESTIGATOR Alex C. Gassler		REPORTED BY Paul Langenwalter		REPORTING AGENCY Scientific Resource Surveyor		REFERENCE NUMBER	
LOCATION OF DEATH Dig site		ADDRESS (STREET, CITY, STATE, ZIP) AT RESIDENCE <input type="checkbox"/> 17201 Bolsa Chica Road, Huntington Beach, CA 92649				COUNTY Orange	
DATE AND TIME OF DEATH 06/12/2002 12:30 Found		DATE OF BIRTH		AGE		GENDER Unknown	
RESIDENCE (STREET, CITY, STATE, ZIP) N/A, , CA		COUNTY Orange		RACE Not Applicable		SOCIAL SECURITY NUMBER	
MARITAL STATUS		LEGAL NEXT OF KIN				TELEPHONE NO.	
ADDRESS (STREET, CITY, STATE, ZIP)				OCCUPATION			
NOTIFIED BY				METHOD		DATE AND TIME	
<input type="checkbox"/> FOUND BY <input checked="" type="checkbox"/> PRONOUNCED BY		AGENCY/RELATIONSHIP		PA CASE <input type="checkbox"/>			
IDENTIFIED BY Paul Langenwalter		METHOD Anthropology		DATE AND TIME 06/12/2002 12:30			
ATTENDING PHYSICIAN		ATTENDING PHYSICIAN ADDRESS /PHONE					
MORTUARY		RELEASE DATE		TIME			
CIRCUMSTANCES OF INQUIRY These are founds bones at a known OC archeological dig site found in close proximity to other previous finds.							

6/13/02-1

ATTACHMENT NO. ⁰²⁻¹ 9.176

ORANGE COUNTY SHERIFF
CORONER DIVISION



CASE NOTES

Case Number: 02-03972 - GA

DECEDENT NAME: Bones, Human Ancient

DATE OF DEATH: 06/12/2002

Date, Time And Initials On All Entries

STATEMENTS: (NAMES, DATES & TIMES):

6-13-02 @ 1625 hrs. Per P. Langenwaller. At est 1230 hrs today at dig site #ORA-83, during grading, the crew came across some ancient human bone remains. They consist 2 skull fragments and 3 individual bone features (long bones) and 2 probable with bone features. Today in the late morning and early afternoon 2 more bone fragments were found as well. This is a new area at an old excavation site that is currently being graded; no grid coordinates have been assigned. This new area is known to have human remains; previous remains have been found in this area and are preserved in the same manner as the previous remains have been found. The bones found today and yesterday were found an est 10-30 meters from the old known dig site. There is not a problem if Dep Burch wants to come out and evaluate the site. Her contact person is Kevin Hunt. 6-13-02 @ 1700 hrs (GA)

On 06/14/02 at 0730 hours I contacted Paul Langenwaller of Scientific Research Surveys. Per Langenwaller, the human bones were found at ORA-83, in an area currently being graded. At this point seven different bone isolates have been identified. One of the isolates includes a skull that had been sheared and exposed in the grading process. The other isolates contain fragments of large and small human limb bones. Each area has been flagged off and will be excavated using conventional archaeological techniques. Two of the isolates were discovered yesterday, and Langenwaller has not yet had a chance to examine them. Per Langenwaller, all the material is consistent with ancient human remains, and the monitors from the Most Likely Descendants have examined the material *in situ*. I arranged to meet Langenwaller at the site at approximately 0830 hours this morning. (06/14/02 07:43 BU)

PA STATEMENTS: (NAMES, DATES & TIMES):

FOLLOW UP REQUEST & ACTIONS TAKEN:

On 06/14/02 at 2320 hours I contacted the Native American Heritage Commission and left a message for Rob Wood on the answering machine; I notified him I had responded to the site and had not found anything of modern forensic significance. (06/14/02 23:24 BU)

CASE DEPUTY ACTIONS:

6-13-02 Case number was issued and Dep BU will respond to dig site location 6-14-02 in am hrs. (GA)

6-13-02 @ 2200 hrs. Native American Heritage Commission was contacted, left voice mail with Gloria. (GA)

NOTIFICATIONS (WHO NOTIFIED, DATE & TIME):

ORANGE COUNTY SHERIFF
CORONER DIVISION



CASE NOTES

Case Number: 02-03972 - GA

DECEDENT NAME: Bones , Human Ancient

DATE OF DEATH: 06/12/2002

Date, Time And Initials On All Entries

STATEMENTS: (NAMES, DATES & TIMES):

~~6-13-02~~ @ 1625 hrs. Per P. Langenwalter. At est 1230 hrs today at dig site #ORA-83, during grading, the crew came across some ancient human bone remains. They consist 2 skull fragments and 3 individual bone features (long bones) and 2 probable with bone features. Today in the late morning and early afternoon 2 more bone fragments were found as well. This is a new area at an old excavation site that is currently being graded; no grid coordinates have been assigned. This new area is known to have human remains; previous remains have been found in this area and are preserved in the same manner as the previous remains have been found. The bones found today and yesterday were found an est 10-30 meters from the old known dig site. There is not a problem if Dep Burch wants to come out and evaluate the site. Her contact person is Kevin Hunt. 6-13-02 @ 1700 hrs (GA)

On ~~06-14-02~~ at 0730 hours I contacted Paul Langenwalter of Scientific Research Surveys. Per Langenwalter, the human bones were found at ORA-83, in an area currently being graded. At this point seven different bone isolates have been identified. One of the isolates includes a skull that had been sheared and exposed in the grading process. The other isolates contain fragments of large and small human limb bones. Each area has been flagged off and will be excavated using conventional archaeological techniques. Two of the isolates were discovered yesterday, and Langenwalter has not yet had a chance to examine them. Per Langenwalter, all the material is consistent with ancient human remains, and the monitors from the Most Likely Descendants have examined the material *in situ*. I arranged to meet Langenwalter at the site at approximately 0830 hours this morning. (06/14/02 07:43 BU)

PA STATEMENTS: (NAMES, DATES & TIMES):

FOLLOW UP REQUEST & ACTIONS TAKEN:

On ~~06-14-02~~ at 2320 hours I contacted the Native American Heritage Commission and left a message for Rob Wood on the answering machine; I notified him I had responded to the site and had not found anything of modern forensic significance. (06/14/02 23:24 BU)

CASE DEPUTY ACTIONS:

~~6-13-02~~ Case number was issued and Dep BU will respond to dig site location 6-14-02 in am hrs. (GA)
6-13-02 @ 2200 hrs. Native American Heritage Commission was contacted, left voice mail with Gloria. (GA)

NOTIFICATIONS (WHO NOTIFIED, DATE & TIME):

~~Permit~~ hearing 11/08

2
F

STATE OF CALIFORNIA - THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, Governor

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071



**NOTICE OF VIOLATION OF THE CALIFORNIA COASTAL ACT
VIA CERTIFIED MAIL**

December 15, 2008

Ed Mountford
Hearthside Homes
6 Executive Circle, Suite 250
Irvine, California 92614

Violation File Number: V-5-08-032

Property Location: 17201 Bolsa Chica Road, Huntington Beach; Orange
County APN 110-016-36, 39

Unpermitted Development: Failure to notify the Commission, cease construction, and
carry out significance testing upon discovery of a cultural
deposit during project grading in non-compliance with
Special Condition No. 23 of CDP No. 5-05-020

Dear Mr. Mountford:

As you know, the California Coastal Commission ("Commission") is the state agency created by and charged with administering the Coastal Act¹. In making its permit and land use planning decisions, the Commission carries out Coastal Act policies, which, amongst other goals, seek to protect archaeological and paleontological resources. In order to provide for the protection of any significant cultural deposits discovered during project grading at the subject site and allow for a complete consideration of mitigation options by the Commission to protect those deposits, in approving Coastal Development Permit 5-05-020, which authorized Hearthside Homes ("Hearthside") to construct the "Brightwater" development, the Commission imposed Special Condition 23. Special Condition 23 requires that if cultural deposits are encountered during Brightwater grading that work stop to allow the Executive Director to determine if the discovery is significant, and thus, warranting of a modification to the archaeological mitigation program.

In relevant part to this alleged violation, Special Condition 23 states [bold italics added for emphasis]:

**23. PROTECTION OF POTENTIAL ARCHAEOLOGICAL RESOURCES DURING
GRADING**

¹ The Coastal Act is in the Public Resources Code beginning at section 30000.

12/08-1

ATTACHMENT NO. 9.179

12/08

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- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval of the Executive Director an archeological monitoring and mitigation plan, prepared by a qualified professional, that shall incorporate the following measures and procedures:

1...

2...

3. *If any cultural deposits are discovered during project construction, including but not limited to skeletal remains and grave-related artifacts, traditional cultural sites, religious or spiritual sites, or other artifacts, the permittee shall carry out significance testing of said deposits and, if cultural deposits are found by the Executive Director to be significant pursuant to subsection C of this condition and any other relevant provisions, additional investigation and mitigation in accordance with all subsections of this special condition;*
4. *If any cultural deposits are discovered, including but not limited to skeletal remains and grave-related artifacts, traditional cultural sites, religious or spiritual sites, or other artifacts, all construction shall cease in accordance with subsection B. of this special condition;*
5. In addition to recovery and reburial, in-situ preservation and avoidance of cultural deposits shall be considered as mitigation options, to be determined in accordance with the process outlined in this condition;
6. If human remains are encountered, the permittee shall comply with applicable State and Federal laws. Procedures outlined in the monitoring and mitigation plan shall not prejudice the ability to comply with applicable State and Federal laws, including but not limited to, negotiations between the landowner and the MLD regarding the manner of treatment of human remains including, but not limited to, scientific or cultural study of the remains (preferably non-destructive); selection of in-situ preservation of remains, or recovery, repatriation and reburial of remains; the time frame within which reburial or ceremonies must be conducted; or selection of attendees to reburial events or ceremonies. The range of investigation and mitigation measures considered shall not be constrained by the approved development plan. Where appropriate and consistent with State and Federal laws, the treatment of remains shall be decided as a component of the process outlined in the other subsections of this condition.

7...

- B. *If an area of cultural deposits, including but not limited to skeletal remains and grave-related artifacts, traditional cultural sites, religious or spiritual sites, or other artifacts, is discovered during the course of the project, all construction activities in the area of the discovery that have any potential to uncover or otherwise disturb cultural deposits in the area of the discovery and all construction that may foreclose mitigation options or the ability to implement the requirements of this condition shall cease and shall not recommence except as provided in subsection D and other subsections of this special condition. In general, the area where construction activities must cease shall be 1) no less than a 50-foot wide buffer around the cultural deposit; and 2) no more than the residential enclave area within which the discovery is made.*

12/08 2
ATTACHMENT NO. 9.18

12/08

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- C. *An applicant seeking to recommence construction following discovery of the cultural deposits shall submit a Significance Testing Plan for the review and approval of the Executive Director.* The Significance Testing Plan shall identify the testing measures that will be undertaken to determine whether the cultural deposits are significant. The Significance Testing Plan shall be prepared by the project archaeologist(s), in consultation with the Native American monitor(s), and the Most Likely Descendent (MLD) when State Law mandates identification of a MLD. The Executive Director shall make a determination regarding the adequacy of the Significance Testing Plan within 10 working days of receipt. If the Executive Director does not make such a determination within the prescribed time, the plan shall be deemed approved and implementation may proceed. Once a plan is deemed adequate, the Executive Director will make a determination regarding the significance of the cultural deposits discovered...

Hearthside's grading monitoring plan, which was approved by staff on December 12, 2005, incorporated the requirements of Special Condition 23. Moreover, the grading monitoring plan, as submitted to staff by Hearthside and approved by staff to satisfy the terms of Special Condition 23, instituted procedures to protect cultural deposits during archaeological grading. That the terms of the grading monitoring plan regulated archaeological grading is reflected in a letter from your representative, Susan Hori, dated September 5, 2008, which states: "Because the Coastal Commission required Hearthside to prepare and implement an Archaeological Monitoring and Mitigation Plan, Hearthside conducted an unprecedented level of archaeological mitigation, additional artifacts and human bone concentrations were recovered and were treated in accordance with the procedures set forth in the Commission-approved archaeological monitoring and mitigation plan."

One required procedure set forth in the grading monitoring plan is the preparation of a Significance Testing Plan upon discovery of new cultural deposits during grading; page 5 of the grading monitoring plan states: "A Significance Testing Plan, pursuant to Special Condition 23, will be prepared only upon discovery of cultural deposits or features that have not been previously discovered."

It has come to staff's attention that Hearthside Homes, in non-compliance with Special Condition 23, failed to 1) report discovery of cultural deposits in Ora-85 during archaeological and project grading in 2006², 2) cease construction in accordance with Special Condition 23 subsection B, and 3) carry out significance testing as required by Special Condition 23 subsection C. Please be advised that non-compliance with the terms and conditions of an approved permit constitute a violation of the Coastal Act.

² On page 8 of the document entitled "History of Bolsa Chica Archaeological Research and Salvage Work Conducted by Scientific Resource Surveys, Inc. (SRS), 1980-2008," which was provided to Commission staff on September 5, 2008 by a Hearthside representative, it is noted: "All bone concentrations from both sites were found in 2006. CA-ORA-85: 11 human bone concentrations and all animal bone concentrations found during Archaeological Grading. 1 human bone concentrations found during Construction Grading."

12/08-3
ATTACHMENT NO. 9.19

12/08

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The discovery of human remains within Ora-85 is a new discovery warranting of a Significance Testing Plan as required by Special Condition 23 and the grading monitoring plan. Prior to approval and issuance of CDP 5-05-020 and approval of the grading monitoring plan, no human remains had been found at Ora-85, a fact that the site description of Ora-85 in the grading monitoring plan attests to on page 2: "no evidence of human remains in the form of burials or cremations was found." The fact that no human remains had been found at Ora-85 dictated how the project archaeologists perceived the site; the "lack of structural, ceremonial and funeral items" led archaeologists to believe that Ora-85 was a "foragers' short term village." The possibility that this discovery of human remains at Ora-85 could change the perception of the site, further emphasizes that this discovery was unprecedented.

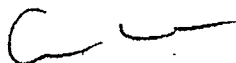
In order to resolve this matter of non-compliance with the terms and conditions of an approved coastal development permit and the terms of the grading monitoring plan submitted pursuant to the conditions of an approved coastal development permit, we are requesting that you submit by **February 4, 2009** a Significance Testing Plan for the review and approval of the Executive Director to determine the significance of human remains found at Ora-85 and, to the extent required by Special Condition No. 23 subsection B, immediately cease construction. Please contact me by no later than **January 5, 2009** regarding how you intend to resolve this violation.

Although we would still prefer to resolve this matter administratively, please be aware that Sections 30803 and 30805 of the Coastal Act authorize the Commission to initiate litigation to seek injunctive relief and an award of civil fines in response to any violation of the Coastal Act. Section 30820(a)(1) of the Coastal Act provides that any person who violates any provision of the Coastal Act may be subject to a penalty amount that shall not exceed \$30,000 and shall not be less than \$500. Coastal Act section 30820(b) states that, in addition to any other penalties, any person who "knowingly and intentionally" performs or undertakes any development in violation of the Coastal Act can be subject to a civil penalty of not less than \$1,000 nor more than \$15,000 for each day in which the violation persists.

Finally, the Executive Director is authorized, after providing notice and the opportunity for a hearing as provided for in Section 30812 of the Coastal Act, to record a Notice of Violation against the property.

Thank you in advance for your attention to this matter and for your work and anticipated efforts in preparing a Significance Testing Plan. If you have any questions regarding this letter or the pending enforcement case, please feel free to contact me (562) 590-5071.

Sincerely,



Andrew Willis
District Enforcement Analyst

cc: Teresa Henry, South Coast District Manager, CCC
Lisa Haage, Chief of Enforcement, CCC
Pat Veasart, Southern California Enforcement Supervisor, CCC

12/08/-4

ATTACHMENT NO. 9.182

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071



September 17, 2009

Ed Mountford
Hearthside Homes
6 Executive Circle, Suite 250
Irvine, California 92614

Violation File Number: V-5-08-032

Property Location: 17201 Bolsa Chica Road, Huntington Beach; Orange
County APN 110-016-36, 39

Unpermitted Development: Failure to notify the Commission, cease construction, and carry out significance testing upon discovery of a cultural deposit during project grading in non-compliance with Special Condition No. 23 of CDP No. 5-05-020

Dear Mr. Mountford:

Thank you for submitting a revised Supplemental Archaeological Program dated September 1, 2009 for archaeological discoveries at Ora-85 that, as requested in our August 24, 2009 letter and required by Special Condition 23(D) of Coastal Development Permit ("CDP") 5-05-020, was revised to incorporate consultation with the Most Likely Descendent(s) ("MLD") and the Native American Heritage Commission ("NAHC"). With the program revised to address the comments of the MLD and NAHC, the Executive Director finds the mitigation measures proposed in the September 1, 2009 Supplemental Archaeological Program to be consistent with Special Condition 23.

Section III.C of the Supplemental Archaeological Program details a "mitigation program designed for the location of burials and associated grave goods at CA-ORA-85" that includes mitigation measures that have been completed and others that remain to be completed. Supplemental Archaeological Program p. 11. In order to resolve the issue, detailed in the December 18, 2008 Notice of Violation letter and described in the subject line above, of non-compliance with Special Condition 23 of your CDP in a timely manner, please complete the mitigation measures proposed in Section III.C of the Supplemental Archaeological Program that remain to be undertaken in accordance with the following timeline:

- 1) "Detailed documentation and special laboratory analyses of all non-sacred and non-ceremonial items," as further described in Section IV, by **November 17, 2009**.
- 2) "Reburial of all materials recovered from this site in the off-site designated reburial area with the previously interred human remains" by **December 1, 2009**.
- 3) "Incorporation of the data recovered from this process into a comprehensive report on all archaeological investigations at CA-ORA-85 and CA-ORA-83, as required by the County of Orange as part of the EIR process for this project," by **February 1, 2010**.

9/09-1
ATTACHMENT NO. 9.183

9/09 6

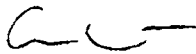
Please note that the Executive Director has determined that the changes to the project mitigation measures proposed by the Supplemental Archaeological Plan, as revised after our request to do so, are consistent in nature and scope of protection of cultural resources with the mitigation measures contained in the Grading Monitoring Plan approved pursuant to CDP 5-05-020, and thus Hearthside Homes may commence with the proposed changes without an amendment to CDP 5-05-020.

As explained to you in detail in the December 15 Notice of Violation letter, Hearthside Homes, in non-compliance with Special Condition 23, failed to 1) report discovery of cultural deposits in Ora-85 during archaeological and project grading in 2006, 2) cease construction in accordance with Special Condition 23 subsection B, and 3) carry out significance testing as required by Special Condition 23 subsection C. Non-compliance with the terms and conditions of an approved permit constitute a violation of the Coastal Act. Approval of the Supplemental Archaeological Program does not limit the Commission's right to seek relief, including but not limited to monetary penalties, under Chapter 9 for the Coastal Act violation detailed in the December 15 Notice of Violation letter.

Also, approval of the Supplemental Archaeological Program does not limit the Commission from taking enforcement action to address Coastal Act violations at the subject property other than those that are the subject of the December 15 Notice of Violation letter.

Thank you for your cooperation in preparing a Supplementary Archaeological Plan that meets the requirements of Special Condition 23. If you have any questions regarding this letter or the pending enforcement case, please feel free to contact me (562) 590-5071.

Sincerely,



Andrew Willis
District Enforcement Analyst

cc: Susan Hori
Nancy A. Wiley, Ph.D, SRS
Larry Myers, NAHC
Sherilyn Sarb, Deputy Director, CCC
Teresa Henry, South Coast District Manager, CCC
Lisa Haage, Chief of Enforcement, CCC

9/09-2

ATTACHMENT NO. 9.184

(H) Oct, 2009

Mitigated Negative Declaration/Environmental Assessment No. 2008-016
"The Ridge" 22-unit Planned Residential Development
Page 4.

eucalyptus ESHA from impacts of the contemplated residential development when the ESHA habitat serves raptors which fly and for whom the topographic separation would not seem to be significant. This too should be addressed in the Biological Assessment. The Assessment should be prepared prior to decisions on appropriate land use at the site. In any case, such a Biological Assessment will be required at the time an LCP amendment is submitted for Commission review.

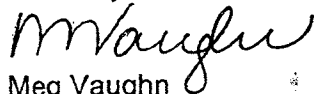
Cultural Resources

The subject site is within an area of known archaeological significance. The MND/EA states that an archaeological report was prepared by Scientific Resource Surveys (SRS), Inc. in May 2009. The May 2009 Archaeological Report includes, according to the MND/EA, discussion of the previous investigations of the archeological site. The May 2009 Archaeological Report prepared by SRS should be subject to peer review as well as review by appropriate Native American groups that are likely descendants of Native Americans that previously occupied this area. The resulting comments should be considered in the entitlement process. The land use designation, zoning, and any future development of the site should take these comments under consideration and make modifications accordingly.

The MND/EA, in the second mitigation measure of the MND (CR-2), states that if pre-historic human remains are discovered the Most Likely Descendent shall inspect the site and "may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials." The option of preservation in place should be an option available to the Most Likely Descendent in the event prehistoric human remains are encountered. Furthermore, preservation in place should also be considered if any significant cultural resources are discovered at the site.

Again thank you for the opportunity to comment on the proposed pre-zoning and Mitigated Negative Declaration. Please contact me if you have any questions regarding these comments.

Sincerely,



Meg Vaughn
Staff Analyst

cc: Mary Beth Broeren, Planning Manager

Ridge MND 10.14.09 mv

ATTACHMENT NO. 9.185

Villasenor, Jennifer

From: bclandtrust@verizon.net
Sent: Tuesday, April 06, 2010 1:27 PM
To: Villasenor, Jennifer
Subject: changed sentence

4/6/2010

Jennifer,

Due to an oversight a sentence in my comments of March 31, 2010, on page 4 regarding RMND for the Ridge should have read-
"Mitigation measures in prior permits from City, County and Coastal Commission related to archaeological resources at Bolsa Chica have been ignored."

Please make note

Thanks,

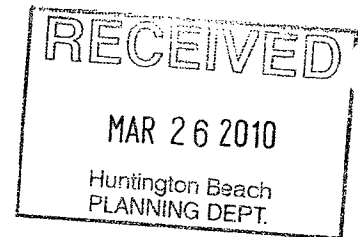
Flossie Horgan
Executive Director
Bolsa Chica Land Trust
714-846-1001
www.bolsachicalandtrust.org

ATTACHMENT NO. 9.186

4/19/2010



BRIAN M. FAGAN



City of Huntington Beach Planning Commission March 23 2010

Attn: Jennifer Villaseñor

2000 Main Street

Huntington Beach, CA 92648

Dear Planning Commissioners:

As a professional archaeologist and author of a major synthesis of California archaeology, I write to strongly oppose the granting of a Mitigated Negative Declaration (No. 08-016) for the Ridge Planned Unit Development. The applicants claim that the project will have "potentially significant impact on cultural resources [within the project area] unless mitigation is incorporated." I strongly disagree.

FAG-1

Archaeological site CA-ORA-86 lies within the project boundary. According to the applicant, the site has been subjected to 33 different archaeological excavations that include everything from surveys to auguring and five excavation programs. Their consultants report that the site "has been modified in shape and size through time" and is often combined with CA-ORA-83, "The Cogged Stone Site" and CA-OR-144. Except for an apparently undisturbed structure, which was recorded and removed, they conclude that it is unlikely that significant deposits would come to light during construction. They propose as mitigation measures:

FAG-2

- The attendance of a professional archaeological monitor and Native American monitor during ground disturbing activities,
- If finds they are made, they specify specific outcomes,

- In the event that human remains come to light, they specify the actions to be taken.

FAG-2
cont'd.

It should also be noted human remains were found during building construction grading monitoring for the Sandover development project. The Sandover project (1999) was built on portions of ORA 86: these discoveries are not mentioned in the peer review letter referred to below.

FAG-3

The applicants also state that archaeologists from the Bolsa Chica Peer Review Committee reviewed their May 2009 report. This review consists of a single page letter dated December 10, 2009 signed by three professional archaeologists, which states that they have reviewed the May 2009 report. They state that "data recovery has been completed in the only intact part of the site." As far as I can determine, the peer reviewers did not inspect the site in person.

FAG-4

The entire area covered by CA-ORA-86 and neighboring CA-ORA-83 represent virtually the last portions of an enormous series of archaeological sites, which have been destroyed by intensive residential development. They also represent some of the last surviving remnants of a chronicle of Native American culture, which extends back at least 9,000 years, something that the reviewers fail to mention in their letter, which appears to represent little more than a cursory sign-off on a report *where cultural resources will certainly be impacted, even if the site is much disturbed*. One has serious concerns and questions about the peer-review:

- Did the committee members visit the site during the excavations? How many times and when?
- Did they inspect the trench layout, the augur work, and other aspects of the fieldwork?
- Did they inspect the finds from the site in the laboratory? How many times and at what stage in the analysis?
- Were they consulted about the research design and strategies for survey and excavation?
- Did they inspect the surviving intact deposits as they were excavated as a basis for certifying along with the excavator that there are no undisturbed deposits left on the site? How many times and when?
- Have they been consulted about the final report on the excavations and its potential conclusions?

FAG-5

- On what basis were the peer reviewers appointed? Were they appointed by the applicant or by independent outsider?
- Above all, why are there no comments on the enormous significance of this site to California history?

FAG-5
cont'd.

I think it is imperative that these questions be answered before this peer review is taken as legitimately certifying that a Mitigated Negative Declaration is possible.

CA-ORA-86 was the center of human occupation in the area once neighboring CA-ORA-83 was used less intensively after 2,000 years ago. As such, it is an important, and irreplaceable, record of the closing stages of Native American occupation in this region. The peer review letter assumes that there is no further undisturbed occupation deposit in the site. So far, all that there is to support this statement is an "Archaeological Abstract." There is no comprehensive, final report on the investigations that allows dispassionate, independent assessment of the claim that there are no surviving undisturbed deposits at the site. In fact, the assertion that there are none is so confident that the peer reviewers state that no further mitigation measures other than grading monitoring are required. *Certainly the rather cursory mitigation measures recommended will not reduce the impact of construction work to an insignificant level.*

FAG-6

Whatever mitigation is undertaken, there will be impact on unique, irreplaceable archaeological resources. The area of the site under reference is one of the last surviving remnants of this major archaeological complex. If there is even a slight chance that there are human burials or undisturbed deposits still in place, they should either be thoroughly investigated or left intact. To offer a Negative Declaration for these archaeological deposits would be an inexcusable tragedy, especially in the absence of any final report on the archaeological investigations.

FAG-7

If the site is to be destroyed through development, the following minimal steps need to be taken in mitigation:

- a. The completion of a comprehensive *final* report on the present excavations and finds, also all the investigations over the past three decades, which is made available both to professional archaeologists and to the general public through the South Central Coast Information Center,

FAG-8

- b. COMPLETE, meticulous excavation of the entire archaeological deposits to be affected to record any undisturbed deposits and the finds therein. Testing should be done by remote sensing and core boring, combined with hand excavation. Auguring does not necessarily document undisturbed or disturbed deposit,
- c. Completion of a comprehensive final report on these excavations, which record all details of the totally excavated and now destroyed site.
- d. All reports and excavations to be subject to review by a peer review committee appointed by an independent body *not* by the applicant or other interested parties, perhaps the Society for Professional Archaeologists.

FAG-8
cont'd.

Sincerely,



BRIAN FAGAN

Emeritus Professor of Anthropology

University of California, Santa Barbara

April 2, 2010

Jennifer Villaseñor
City of Huntington Beach
Huntington Beach City Hall
2000 Main Street
Huntington Beach, CA 92648

Subject: Recirculated MND for The Ridge (SCH # 2009091043)

Via e-mail

Dear Ms. Villaseñor,

Thank you for the opportunity to comment upon the Mitigated Negative Declaration for The Ridge project (MND No. 08-016; SCH # 2009091043) located on approximately 5 acres of property in the City of Huntington Beach, Orange County. These comments are submitted on behalf of the Bolsa Chica Land Trust and myself. I request that my comments dated October 9, 2009, as well as all comments by any other party, submitted on the previously circulated MND No. 08-016 be included in the public record for the recirculated MND.

The applicant proposes to construct twenty-two dwelling units, roadways, drainage improvements, private open space amenities, and related infrastructure on the project site. The project would be developed as a Planned Unit Development. In order for development to proceed the following discretionary approvals would be needed:

- General Plan Amendment, changing the site's land use designation from Open Space-Park(OS-P) to Residential Low Density (RL)
- Local Coastal Program Land Use Plan Amendment, changing the site's LUP land use designation from Open Space-Park (OS-P) to Residential Low Density (RL)
- Zoning Amendment, changing the site's zoning designation from Residential Agriculture-Coastal Zone Overlay (RA-CZ) to Residential Low Density-Coastal Zone Overlay (RL-CZ)
- Amendment to Chapter 210.12 of the Zoning Code to allow greater flexibility in provision of required parking, including provision for tandem parking
- Tentative Tract Map
- Coastal Development Permit
- Conditional Use Permit

The site is highly sensitive as part of the Bolsa Chica ecosystem, including but not limited to the Bolsa Chica Ecological Reserve. Resources in the immediate area include an environmentally sensitive habitat area to the east and important cultural resources. Cultural resources include Ca-Ora-83, which is listed by the Native American Heritage Commission registry of sacred sites and was recently determined to be eligible for listing on the National Register of Historic Places.

GEN-1

GEN-1

The portion of Ca-Ora-83 on the Brightwater property, to the west, was found to contain human remains, and was likely a prehistoric cemetery. In an April 8, 2008 letter to the Coastal Commission, Larry Myers the Executive Director of the Native American Heritage Commission states the following:

The NAHC has not received a report clearly showing the dates, locations and details of burial discoveries. At this point based on information available and the large number of burials recovered and associated items, ***it appears that the whole area may be a burial ground.*** [emphasis added]

GEN-2
cont'd.

The Process

In accordance with Section 21080(d) of the California Environmental Quality Act:

If there is substantial evidence, in light of the whole record before the lead agency, that the project may have a significant effect on the environment, an environmental impact report shall be prepared.

Section 21080(e) defines "substantial evidence" as follows:

- (1) For the purposes of this section and this division, substantial evidence includes fact, a reasonable assumption predicated upon fact, or [emphasis added] expert opinion supported by fact.
- (2) Substantial evidence is not argument, speculation, unsubstantiated opinion or narrative, evidence that is clearly inaccurate or erroneous, or evidence of social or economic impacts that do not contribute to, or are not caused by, physical impacts on the environment.

The courts have held that "relevant personal observations by area residents" may be properly considered substantial evidence. (*Pocket Protectors, v. City of Sacramento* (2004) 124 Cal. App. 4th 903; *Ocean View Estates Homeowners Assn, Inc. v. Montecito Water Dist.* (2004) 116 Cal.App.4th 402; *Arviv Enterprises, Inc. v. South Valley Area Planning Com.*, (2002) 101 Cal.App.4th 1347; *Mejia v. City of Los Angeles* (2005) 130 Cal. App. 4th 322.)

GEN-

As stated in *Citizens for Responsible & Open Government v. City of Grand Terrace*, (2008) 160 Cal. App. 4th 1323:

CEQA provides that generally the governmental agency must prepare an EIR on any project that may have a significant impact on the environment. (§§ 21080, subd. (d), 21100, subd. (a), 21151, subd. (a); *Pala Band of Mission Indians v. County of San Diego* (1998) 68 Cal.App.4th 556, 570-571 [80 Cal. Rptr. 2d 294], quoting *Quail Botanical Gardens Foundation, Inc. v. City of Encinitas* (1994) 29 Cal.App.4th 1597, 1601-1602 [35 Cal. Rptr. 2d 470].) Whenever there is substantial evidence supporting a fair argument that a proposed project may have a significant effect on the environment, an EIR normally is required. (§ 21080, subd. (c)(1); Guidelines, § 15070, subd. (a); *Gentry v. City of Murrieta* (1995) 36

Cal.App.4th 1359, 1399 [43 Cal. Rptr. 2d 170]; *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 927 [21 Cal. Rptr. 3d 791] (*Pocket Protectors*).) “The fair argument standard is a ‘low threshold’ test for requiring the preparation of an EIR...

A mitigated negative declaration is one in which “(1) the proposed conditions ‘avoid the effects or mitigate the effects to a point where *clearly* no significant effect on the environment would occur, and (2) there is *no substantial evidence* in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment.’ (§ 21064.5, italics added.)” (*Architectural Heritage Assn. v. County of Monterey*, *supra*, at p. 1119; see also *Citizens' Com. to Save Our Village v. City of Claremont* (1995) 37 Cal.App.4th 1157, 1167 [44 Cal. Rptr. 2d 288].)

As stated in *Pocket Protectors, v. City of Sacramento* (2004) 124 Cal. App. 4th 903:

Unlike the situation where an EIR has been prepared, neither the lead agency nor a court may “weigh” conflicting substantial evidence to determine whether an EIR must be prepared in the first instance. Guidelines section 15064, subdivision (f)(1) provides in pertinent part: “if a lead agency is presented with a fair argument that a project may have a significant effect on the environment, the lead agency shall prepare an EIR even though it may also be presented with other substantial evidence that the project will not have a significant effect. (*No Oil*[, *supra*,] 13 Cal.3d 68).” Thus, as *Claremont* itself recognized, “Consideration is not to be given contrary evidence supporting the preparation of a negative declaration. (*City of Carmel-by-the Sea v. Board of Supervisors* (1986) 183 Cal. App. 3d 229, 244–245 [227 Cal. Rptr. 899]; *Friends of “B” Street v. City of Hayward* (1980) 106 Cal. App. 3d 988 [165 Cal. Rptr. 514].” (*Claremont*, *supra*, 37 Cal.App.4th at p. 1168.)

It is the function of an EIR, not a negative declaration, to resolve conflicting claims, based on substantial evidence, as to the environmental effects of a project. (See *No Oil*, *supra*, 13 Cal.3d at p. 85.)

Adoption of a Mitigated Negative Declaration is inappropriate in this case inasmuch as the clear potential for significant adverse impacts on the environment exists. These include but are not limited to impacts on biological resources, cultural resources, land use, noise, air quality, coastal access, hydrology, and aesthetics.

Potential Impacts

As noted above, potential impacts may occur on biological resources, cultural resources, land use, noise, air quality, coastal access, hydrology, and aesthetics. These are described in more detail as follows:

GEN-3
cont'd

GEN-4

Biological Resources

As described in the City of Huntington Beach General Plan Coastal Element, (pp. C.IV-77 and 78), important biological resources exist on the Parkside site, which abuts the Ridge property on the east:

There are existing and previously delineated wetlands areas that have been filled without authorization and are capable of being restored. Those areas as well as their buffer areas are designated Open Space-Conservation and uses allowed within these areas are limited.

In addition, on the site's western boundary, at the base of the bluff, is a line of eucalyptus trees that continues offsite to the west. These trees are used by raptors for nesting, roosting, and as a base from which to forage. The trees within this "eucalyptus grove" within or adjacent to the subject site's western boundary constitute an environmentally sensitive habitat area (ESHA) due to the important ecosystem functions they provide to a suite of raptor species. The Eucalyptus trees along the southern edge of the Bolsa Chica mesa are used for perching, roosting, or nesting by at least 12 of the 17 species of raptors that are known to occur at Bolsa Chica. Although it is known as the "eucalyptus grove", it also includes several palm trees and pine trees that are also used by raptors and herons. None of the trees are part of a native plant community. Nevertheless, this eucalyptus grove has been recognized as ESHA by multiple agencies since the late 1970's (USFWS, 1979; CDFG 1982, 1985) not because it is part of a native ecosystem, or because the trees in and of themselves warrant protection, but because of the important ecosystem functions it provides. Some of the raptors known to use the grove include the white tailed kite, sharpshinned hawk, Cooper's hawk, and osprey. Many of these species are dependent on both the Bolsa Chica wetlands and the nearby upland areas for their food. These Eucalyptus trees were recognized as ESHA by the Coastal Commission prior to its 2006 certification of this section of this LCP, most recently in the context of the Coastal Commission's approval of the adjacent Brightwater development (coastal development permit 5-05-020).

The Eucalyptus grove in the northwest corner of the site, although separated from the rest of the trees by a gap of about 650 feet, provides the same types of ecological functions as do the rest of the trees bordering the mesa. At least ten species of raptors have been observed in this grove, and Cooper's hawks, a California Species of Special Concern, nested there in 2005 and 2006. Due to the important ecosystem functions of providing perching, roosting and nesting opportunities for a variety of raptors these trees also constitute ESHA.

Additional information regarding the Eucalyptus trees is provided in a July 26, 2006 Coastal Commission staff report on what is known as the Parkside Project (p.31, Agenda Item Tu 8c, August 6, 2006):

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The Eucalyptus ESHA in the northwest corner is known to have supported a nesting pair of white tailed kites in the spring of 2005. In addition to the nesting kites, this area of the Eucalyptus ESHA provides similar roosting and perching opportunities for the suite of raptors.

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The need for adequate buffers was then discussed (July 26, 2006 Coastal Commission staff report pp.31-32, Agenda Item Tu 8c, August 6, 2006):

In order to assure the ESHA is protected and remains viable, in addition to precluding nonresource dependent development within the ESHA, a buffer zone around the ESHA must be established. A buffer zone would require that development adjacent to the ESHA be set back an appropriate distance from the ESHA. The setback is intended to move the development far enough away from the ESHA so as to reduce any impacts that may otherwise accrue from the development upon the ESHA and that would significantly degrade the ESHA or be incompatible with its continuance. The distance between the ESHA and development, the buffer zone, must be wide enough to assure that the development would not degrade the ESHA and also would be compatible with the continuance of the ESHA.

For purposes of establishing protective buffers, the eucalyptus grove ESHA boundary should be considered to fall along the drip line of the outermost trees of the grove (see exhibit). The specific area of an appropriate buffer is more difficult to quantify.

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There is, to some degree, a subjective approximation element in assigning dimensions to protective habitat buffers or development setbacks. For example, it probably would not be possible to distinguish the different biological effects of a 100-foot buffer compared to a 110-foot buffer or those of a 300-foot-buffer from a 100-meter (328-foot) buffer. We tend to choose round numbers in whatever units we are using. However, the difference between a 100-foot buffer and a 100-meter buffer would provide discernable benefits to wildlife. Commenting on a proposed development that borders the eucalyptus grove ESHA on its western side (coastal development permit application number 5-05-020, Brightwater), wildlife agencies recommended a buffer width of 100 meters. However, the applicant's consultant's for that project recommended a 100 foot buffer. These large differences reflect differing opinions concerning the sensitivity of raptor species to disturbance and differences in opinion concerning the acceptable risk of disturbance impacts to raptors, especially raptors that have the potential for nesting at Bolsa Chica.

In an urban environment development setbacks are usually inadequate to protect all individuals of wildlife species of concern from significant impacts. In an urban setting a buffer is usually no more than one to several hundred meters, and usually less, whereas in a natural setting, a buffer of two kilometers has been found to be significantly more protective. For example, Findlay and Houlahan (1997) found a

negative correlation between species richness in wetlands and the density of roads on land up to 2000 meters from the wetland and concluded that narrow buffer zones were unlikely to protect biodiversity.

Development must be separated from ESHAs by buffers in order to prevent impacts that would significantly degrade those areas. Again, with regard to the Brightwater development, buffer recommendations from the same ESHA included a 150-meter buffer recommendation by Dr. Findlay, of the University of Ottawa. CDFG and USFWS previously recommended the establishment of a 100-meter buffer on the Bolsa Chica Mesa in the 1980's. The Coastal Commission staff ecologist recommended a minimum 100-meter buffer around the eucalyptus ESHA. In further studying the appropriate buffer for the Eucalyptus ESHA, Dr. Dixon (staff ecologist) stated:

The buffer around the Eucalyptus tree ESHA is particularly important if those trees are to continue to function as nesting habitat for a variety of raptors. The California Department of Fish and Game and the U.S. Fish and Wildlife Service recommended a 100-m buffer. A literature review found that raptor biologists recommended buffers for various species of nesting raptors from 200m to 1500 m in width, with the exception of 50-m buffers from visual disturbance for kestrels and prairie falcons ...In an independent review concerning a prior development proposal at Bolsa Chica with 100-foot (30-m) buffers, raptor expert Brian Walton opined that developers "...often rely on buffers that I find largely ineffective for reducing raptor fright/flight response." [and] "[t]hey describe unusual tolerance, habituated individuals or exceptions to normal raptor behavior rather than the more common behavior of wild birds."

The 100 meter buffer recommended by USFWS (1979), CDFG (1982), and by staff is necessary to prevent disturbance to raptors that utilize the eucalyptus ESHA, and, based on raptor expert Peter Bloom's estimates of foraging distances, is also large enough to provide significant foraging opportunities close to the nest. This is particularly important because distant foraging increases the risk of nest predation. White-tailed kites, a fully protected species in California, have frequently nested at Bolsa Chica, and are generally considered relatively sensitive to human disturbance. Therefore, buffers that are adequate to protect nesting white-tailed kites should be adequate for most of the other species that are likely to nest in the eucalyptus ESHA. The following minimum spatial buffers have been recently recommended for nesting white-tailed kites: 100m (Bloom, 2002); 100m (Holmgren, 6.7.2002); 50m (J. Dunk (raptor researcher) in person communication to M. Holmgren, 2002); 46-61m (with "low-frequency and non-disruptive activities"; Froke, 2002). These estimates suggest that a 100-m buffer is probably adequate, but not overly conservative.

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In addition, grading was to be prohibited within 500 feet of any active nest. (April 1, 2005 Coastal Commission staff report pp.9,12,26,28,68 Agenda Item Th 7a, April 14, 2005).

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According to EA No. 2008-016 (p. 33), the proposed project would extend to within 140 feet of the ESHA with the nearest residential lot 160 feet from the ESHA. Construction in this area would involve heavy machinery for grading. The proposed buffer, under 50 meters from the ESHA, less than half the 100 meters considered "probably adequate, but not overly conservative" by Coastal Commission staff, would fall far short of the buffer needed for adequate protection of the ESHA. Thus, it is likely that disturbance of raptors utilizing, or attempting to utilize, the Eucalyptus ESHA would sustain adverse impacts. Indeed, as stated in the Recirculated MND, "Impacts ...on surrounding habitat areas...could occur from intrusion of people and pets in the area as well as from noise, light, dispersal of nonnative plants and introduction of pests and feral species."

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Exacerbating the situation, fill on the site will result in a situation with the tops of the trees approximately at the proposed pad elevation. As noted by Coastal Commission staff ecologist, John Dixon (April 1, 2005 Coastal Commission staff report pp.8,12 Agenda Item Th 7a, April 14, 2005; September 24, 2004 Coastal Commission staff report pp. 41,55, Agenda Item W 12g, October 13, 2004; July 29, 2004 Coastal Commission staff report pp. 36,38 Agenda Item Th 23e, August 12, 2004) raptors nest in the tops of the trees. Raptors tend to seek out high points, hence the use of the trees for roosting and nesting in the first place. Nearby activities at, and possibly even above, the level of potential nesting sites would be highly disturbing. Thus construction on elevated pads will increase impacts on the resource.

EA No. 2008-016 indicates that drainage will be directed to a pipe in Bolsa Chica Street and ultimately into the Bolsa Chica Wetlands after treatment (p.21). The EA does not provide information as to what the treatment will entail or its effectiveness in removing urban pollutants, including such materials as petroleum residues, tire residues, landscape chemicals, and heavy metals. Unless treatment is one hundred percent effective in removing such materials, which is not likely, adverse impacts on the wetlands could occur. In addition, the proposal would redirect drainage currently flowing to the wetlands on the Parkside site, potentially resulting in impacts on those wetlands.

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Conditions were imposed on both the Parkside and Brightwater projects to reduce significant impacts due to predation by domestic pets including cats and dogs (November 1, 2007 Coastal Commission staff report pp.11,41,45, Agenda Item W 16a, November 14, 2007; September 22, 2005 Coastal Commission staff report pp.20,27,28,29,34, Agenda Item Th 11a, October 13, 2005). In accordance with Zoning Code Section 221.10, a Domestic Animal Control Plan is required for development adjacent to ESHA. However, no detail as to the proposed plan is provided. Would the proposed perimeter fence include a barrier (EA p.33) similar to the "wall of death" at the nearby Brightwater development, resulting in additional significant, adverse impacts to avifauna? Control of domestic cats is especially problematic. Absent measures which would ensure that all domestic pets are fully controlled at all times, including leashing of cats, it cannot be concluded that no impact would occur. In fact, it is likely that impacts would occur.

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Coyote predation may help to control midlevel predators, including cats. However, if current city controversy is any indication, it is more likely that the proposed project will result additional calls for control of this important element in the food chain with the City responding accordingly. This potential impact on coyotes or other predators must be addressed.

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Potential impacts would occur due to increased light, glare and noise, with potential impacts on sensitive species. Even if lighting were directed downward, this could result in lighting directed down toward ESHA to the east. It is disingenuous to imply (p.33) that sensitive species will somehow become inured to outdoor lighting, backyard barbeques, noise from stereos, neighborhood pets, and collisions with transparent or reflective surfaces.

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All of these significant impacts on biological resources must be examined in an environmental impact report.

Air Quality

EA No. 2008-016 provides information regarding air pollutant emissions during construction and concludes that no impact will occur, based on the project's contribution to regional emissions (EA p. 24). Emissions were calculated using the URBEMIS 2007 model (version 9.2.4) (p.24). While the previously circulated MND did not address localized significance thresholds (LSTs), the Recirculated MND includes new information as to localized effects and concludes that no localized effects would occur either, although data in the previously circulated MND indicate otherwise.

As noted in the previously circulated EA No. 2008-016 (p. 24), the proposed project was anticipated to generate 26.26 pounds per day of PM₁₀, i.e. fine particulates less than 10 microns in diameter, thus exceeding the localized significance threshold of 14 pounds per day established by the South Coast Air Quality Management District (SCAQMD) for source receptors within twenty-five meters (approximately eighty-two feet) of the site boundary. This would have affected nearby residents, natural habitat, and the thirty-foot-wide pathway at the northerly site boundary which is utilized by large numbers of school children daily on their way to school. However, the previously circulated MND failed to address LSTs or acknowledge this impact. This was noted in comments submitted on the previously circulated MND.

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Miraculously, the recirculated MND provides new emissions estimates for particulates that are only a fraction of previous estimates, falling well below LSTs.

Construction Emissions

	PM 2.5	PM10
2009 MND	6.37 lb/day	26.26 lb/day
Recirculated MND	1.74 lb/day	4.06 lb/day
LST	2 lb/day	14 lb/day

This is highly suspect. According to Recirculated EA No. 2008-016, the emissions numbers were revised to include emissions reductions due to implementation of SCAQMD Rule 403 and other mitigation measures, including frequent watering of the site, proper equipment maintenance, and use of low VOC coatings (p. 24). The SCAQMD web site includes the following note regarding URBEMIS 2007 model (version 9.2.4):

NOTE: An error has been identified associated with the fugitive dust construction mitigation measures for PM. Therefore, the only mitigation measures acceptable for use are either watering OR chemical suppressants.

As noted SCAQMD's documentation for Rule 403 (Appendix F, Emissions Reductions Estimates, BCM 6), watering could result in a fifty percent reduction in fugitive dust emissions. However, the above table assumes reductions of 73 percent of PM 2.5 and 85 percent of PM 10 due to implementation of impacts. This is contrary to the above directive and must be revised. All assumptions regarding type of equipment to be used, scheduling of equipment and other factors must be presented as part of this environmental review. Absent such documentation, one cannot be confident that the emissions estimates included in the previously circulated MND were appropriately revised. Based on the original emissions calculation, construction emissions will result in a significant localized air quality impact which must be examined in an environmental impact report.

Noise

Development of the site will result in increased noise during construction and upon occupation of the site. Noise from concrete mixers (85 dBA at 50 feet), generators (81 dBA at 50 feet) and other construction equipment (74 to 98 dBA at 50 feet) would be well above ambient noise levels, affecting nearby residents as well as wildlife.

Construction haul routes are not identified in the EA. Noise would also be generated along those routes, with fully loaded trucks typically generating noise levels of 88dBA at fifty feet. At least a portion of any haul route would be along residential streets, creating noise levels well in excess of ambient noise levels in residential areas.

EA No. 2008-016 indicates that the .the applicant is "proposing to utilize noise mufflers on all heavy equipment" (p.37). However, EA No. 2008-016 fails to reveal how much the proposed mufflers would reduce the clearly significant noise impact nor ensure that what the applicant "is proposing" would actually be implemented.

Construction noise is a significant impact which must be examined in an environmental impact report.

Aesthetics

Views of the site will sustain significant adverse impacts due to implementation of the proposed project. Open space would be replaced by housing and night time views would include

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additional outdoor lighting. Views across the site from existing public streets and paths toward the Reserve and other open space would be lost.

Impacts would be greatest from the existing public pathway in the thirty-foot-wide city parcel extending along the northerly boundary of the site. Numerous people currently utilize the pathway for recreational purposes and as a pleasant transportation alternative to riding a bicycle on the street with vehicular traffic. As shown in cross sections in Attachment 2.1 to the EA, a solid wall up to eight feet in height will be constructed, totally blocking any views from the public parcel and creating a tunnel effect similar to that created along Los Patos by the Brightwater development. The public will lose all visual access to coastal resources in this area. No "meandering pathway" or "landscaped buffer" (EA, p. 2) can compensate for this loss.

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Aesthetic impacts, particularly loss of views from public areas, must be examined in an environmental impact report.

Hydrology and Water Quality

EA No. 2008-016 indicates that drainage will be directed to a pipe in Bolsa Chica Street and ultimately into the Bolsa Chica Wetlands after treatment (p.21), thereby altering existing drainage patterns. Surface water currently flowing to the wetlands on the Parkside site, would thus be reduced.

The EA indicates that low flows would be retained on-site (p. 21). This would be consistent with California Water Resources Control Board Order No. WQ-2000-11 and Santa Ana Regional Water Quality Control Board Santa Ana Region Order No. R8-2009-0030, NPDES No. CAS618030, which require the retention or treatment of low flows up to an 85th percentile storm event. Low flows from the proposed project would percolate into the ground, although no information is provided regarding subsurface conditions. Future lateral movement of what will become subsurface waters must be considered. Will drainage ultimately travel to the bluffs, resulting in increased bluff erosion? Bluff erosion is an ongoing process at Bolsa Chica. Recently, plans for a foot-bridge along Warner, west of the project site, had to be revised to respond to the several feet of bluff erosion that had occurred in just the few short years of the planning process for the foot-bridge. Any increase in drainage in bluff areas would thus be potentially significant.

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Impacts on drainage must be examined in an environmental impact report.

Land Use

The proposed project would result in the development of approximately five acres of open space land currently designated for open space under the general plan and local coastal program. This is a significant impact, made all the more significant when considered in conjunction with other proposed and recent development in the area, including the Brightwater project, Parkside development, and the Goodell parcel.

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The project would eliminate five acres of potential future parks while creating a demand for an additional 0.29 acres (12,415 square feet) of park land, based on a future population of 57 residents (EA p. 15) and a general plan standard of five acres of park land for each one thousand residents (EA p. 41). While the applicant would be required to dedicate land or pay in-lieu park fees, this would not necessarily eliminate potential impacts. In-lieu fees must be utilized to provide park facilities for the project from which they are generated (Government Code Sec. 66477(a)(3)). The Huntington Beach Recreation and Community Service Element does not identify any new locations in the nearby area for future local parks which would be available to serve future residents of the proposed project. The project thus fails to meet general plan goals for park land.

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These significant impacts on land use must be examined in an environmental impact report.

Transportation/Access

EA No. 2008-016 identifies potential impacts on parking, circulation and pedestrians during construction, particularly during earth hauling activities (p. 28). The EA then notes that the project would "not impact a large number of surrounding residential uses", implying that some "not large" number of residents would sustain an impact, possibly a significant one. The EA fails to define "not large". Would the dozens of dwelling units taking access to Bolsa Chica Street at Dorado Drive be "not a large number"? What about the seventy-one-unit apartment building on Bolsa Chica Street? In any case, impacts would be significant even if only a couple of homes were affected.

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The proposed project would provide a portion of the required parking as tandem spaces. As noted in Recirculated EA No. 2008-016 (p. 43), "This may...result in more on-street parking spaces being occupied more often". This would then reduce available street parking for guests and other visitors, such as repair people. A dearth of available street parking would potentially spill out onto nearby public streets, resulting in reduced parking available for the general public seeking to access coastal resources. This is a significant impact.

Impacts due to construction and proposed parking configurations must be examined in an environmental impact report.

Cultural resources

The project site contains CA-ORA-86 a site which is often considered in conjunction with CA-ORA-144 and CA-ORA-83. As noted in EA No. 2008, 016 (p. 40), the site has been subject to previous studies. It is extremely disappointing that the EA belittles the significance of on-site archaeological resources, describing the site as disturbed and likely to yield little of value in language reminiscent of environmental documents for the Brightwater site which had also been subject to numerous previous studies. As we now know, CA-ORA-83 at the Brightwater development site to the west has yielded numerous cog stones and human remains not acknowledged or anticipated in environmental documents for the project, resulting in a tragic loss of cultural values and desecration of burial sites. CA-ORA-83 extends east of the Brightwater site, across the Bolsa Chica Street alignment.

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In any case, the loss of any additional cultural resources in this area would constitute a significant adverse effect, even if resources are documented and recovered. As stated by Susan Stratton, supervising archeologist at the California Office of Historic Preservation, commenting on CA-ORA-83:

I don't see how you can mitigate for this. Let's say you completely destroy a building. How are you going to compensate for the destruction? Maybe you build a replica. But in this case you have an archeological site and it's a non-renewable resource so whatever remains of this particular site, it's forever. It will never be duplicated. You can't build a replica of this.

Archaeological sites are fragile and non-renewable. Archaeological "recovery" is a destructive process. It is essential that on-site cultural resources be preserved at their existing location for future generations with advanced archaeological techniques that can provide answers to the questions we cannot answer with today's technology and that is non-destructive.

Impacts on cultural resources must be examined in an environmental impact report in light of what has occurred on the Brightwater site to the west.

Cumulative Impacts

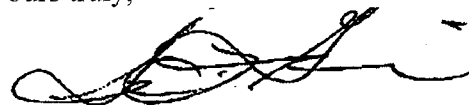
In addition to the many significant environmental impacts to be created by the proposed project when considered on its own, the project will contribute to cumulative impacts generated by other, related development in the area, including projects at Brightwater, Parkside, and the Goodell site, which is also currently in process. This will result in significant cumulative impacts on air quality, noise, traffic, loss of habitat, and loss of open space to name a few. It is particularly puzzling that separate MNDs would be processed for the adjacent Ridge and Goodell sites at the same time, rather than examining the impacts of development of the area in one environmental document.

Conclusion

Based on the above, it cannot be assured that no significant adverse impacts will occur as a result of the proposed project. On the contrary, it is likely that impacts can and will occur. Thus, the proposed MND should not be adopted.

Thank you for the opportunity to comment. Please keep us informed as this project proceeds.

Yours truly,



Sandra L. Genis

Attachment:

Sources cited

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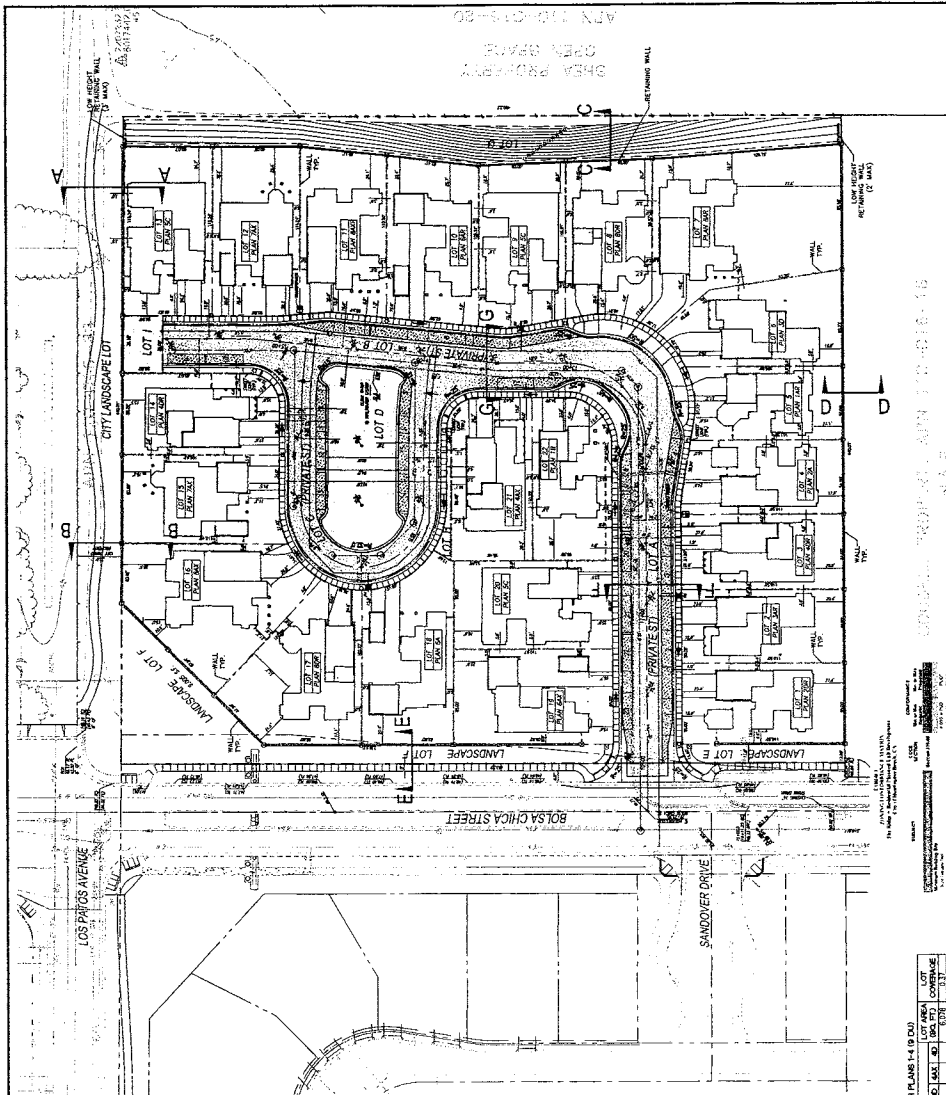
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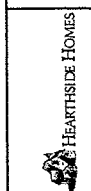


RECORD OWNER AND SUBOWNER
 STATE LANDMARK
 TRACT 17284
 MAP 10-0-0-1-3-20
 (MAY) 2004-17284

APPLICANT
 HEARTSHIDE HOMES
 15000 S. 10TH AVE. SUITE 100
 (949) 450-7700



THE RIDGE TRACT 17284 SITE PLAN



PERMITS AND APPROVALS

NO.	DATE	BY	FOR
1	01/15/04
2	02/10/04
3	03/10/04
4	04/10/04
5	05/10/04
6	06/10/04
7	07/10/04
8	08/10/04
9	09/10/04
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96	12/10/11
97	01/10/12
98	02/10/12
99	03/10/12
100	04/10/12

LOT MATRIX FOR PLANS 1-4 (9 D)

LOT NO.	AREA (SQ. FT.)	AREA (AC.)	LOT AREA (SQ. FT.)	LOT AREA (AC.)
1	10,000	0.23	10,000	0.23
2	10,000	0.23	10,000	0.23
3	10,000	0.23	10,000	0.23
4	10,000	0.23	10,000	0.23
5	10,000	0.23	10,000	0.23
6	10,000	0.23	10,000	0.23
7	10,000	0.23	10,000	0.23
8	10,000	0.23	10,000	0.23
9	10,000	0.23	10,000	0.23
10	10,000	0.23	10,000	0.23
11	10,000	0.23	10,000	0.23
12	10,000	0.23	10,000	0.23
13	10,000	0.23	10,000	0.23
14	10,000	0.23	10,000	0.23
15	10,000	0.23	10,000	0.23
16	10,000	0.23	10,000	0.23
17	10,000	0.23	10,000	0.23
18	10,000	0.23	10,000	0.23
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21	10,000	0.23	10,000	0.23
22	10,000	0.23	10,000	0.23
23	10,000	0.23	10,000	0.23
24	10,000	0.23	10,000	0.23
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34	10,000	0.23	10,000	0.23
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36	10,000	0.23	10,000	0.23
37	10,000	0.23	10,000	0.23
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LOT MATRIX FOR PLANS 5-8 (10 D)

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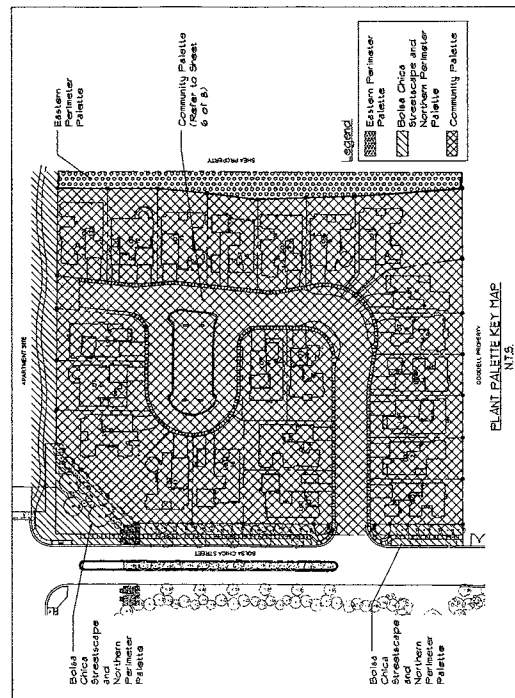


EASTERN PERIMETER PALETTE

Strata	Stratigraphic Name	Common Name
Albino	<i>Agave attenuata</i>	Century Plant
	<i>Agave vilmoriniana</i>	Octopus Agave
	<i>Aloe arborecens</i>	Medicinal Aloe
	<i>Aloe vera</i>	True Aloe
	<i>Ascaris pilularis</i>	Boyoyote Bush*
	<i>Banksia</i>	Mullein
	<i>Bromus carinatus</i>	California Brome
	<i>Carissa macrocarpa</i>	Green Carpet Nala Plum
	<i>Ceanothus glaucus</i>	Port Reyes Ceanothus
	<i>Ceanothus glaucus</i>	Louis Edmunds Ceanothus*
	<i>Ceanothus glaucus</i> var. <i>horizontalis</i>	Carmel Creeper Ceanothus*
	<i>Ceanothus glaucus</i> var. <i>horizontalis</i>	Port Reyes Ceanothus*
	<i>Ceanothus glaucus</i> var. <i>horizontalis</i>	Baywood Ceanothus*
	<i>Ceanothus prostratus</i>	Red Carpet Ceanothus*
	<i>Ceanothus procneus</i>	Green Bark Ceanothus*
	<i>Ceanothus vertucosus</i>	Wart-Stem Ceanothus*
	<i>Cercium montesum</i>	Shoof-Summer
	<i>Cercium montesum</i>	Shoof-Summer
	<i>Cynanchum lauricanthum</i>	Olive Chain
	<i>Cistus ictericus</i>	White Rockrose
	<i>Cistus ictericus</i>	no common name*
	<i>Cistus ictericus</i> ssp. <i>Corticus</i>	no common name*
	<i>Cistus savifolius</i>	Sageleaf Rockrose*
	<i>Cistus x. purpureus</i>	Sageleaf Rockrose*
	<i>Croton alpinus</i>	Alpine Croton
	<i>Crotona alpinus</i>	Creeching Crotona
	<i>Coronaria bumla</i>	Prostrate coronaria
	<i>Coloneaster burkiiolus</i>	no common name
	<i>Coloneaster egyptei</i>	no common name
	<i>Crassula ovata</i>	Jade Tree
	<i>Podanea viscosa</i>	Spurred Bush*
	<i>Podanea viscosa</i>	Spurred Bush*
	<i>Filipia sellowiana</i>	Elephant Ears
	<i>Grewia occidentalis</i>	Phaeopile Grewia
	<i>Hardenbergia complanata</i>	Starflower
	<i>Hypericum caryocymum</i>	Lilac Vine
	<i>Kipridula uaria</i>	Aaron's Beard*
	<i>Kipridula uaria</i>	Red Hot Pops*
	<i>Leptospermum lae. Vigatum</i>	Firebrake
	<i>Leptospermum lae. Vigatum</i>	Australian Tea Tree*
	<i>Leucophyllum fulceus</i>	Texas Ranger
	<i>Lignum japonicum</i>	Toxic Privet
	<i>Liquarium parviti</i>	Sax Lavender
	<i>Lonicera japonica</i>	Japanese Honeysuckle
	<i>Lonicera japonica</i>	Japanese Honeysuckle
	<i>Mahonia aquifolium</i>	Gordin Abundance Oregon Grape
	<i>Mahonia aquifolium</i>	Gordin Abundance Oregon Grape
	<i>Mahonia novelli</i>	Nevin Mahonia*
	<i>Myoporum obale</i>	no common name
	<i>Myoporum parvifolium</i>	no common name
	<i>Myoporum Pacificum</i>	no common name
	<i>Nerium Oleander</i>	Heard
	<i>Nerium oleander</i>	Common Nerium
	<i>Nolina specios</i>	California Yucca
	<i>Opuntia littoralis</i>	Prickly Pear
	<i>Osteospermum fruticosum</i>	Cracle Cactus
	<i>Proelia thesira</i>	African Daisy*
	<i>Proelia thesira</i>	no common name*
	<i>Prunus ilicifolia</i>	California Laurel*
	<i>Prunus ilicifolia</i> ssp. <i>ilicifolia</i>	Holly Leafed Cherry*
	<i>Prunus lyonii</i>	Catalina Cherry
	<i>Punica granatum</i>	Pomegranate
	<i>Pyraeana species</i>	Firethorn
	<i>Quercus bertrandii</i>	California Scrub Oak
	<i>Raphanobrads species</i>	Indian Hawthorne
	<i>Rhus integrifolia</i>	Lemonade Berry*
	<i>Rhus ovata</i>	Sugarbush
	<i>Romyneja coulteri</i>	Malilla Poppy*
	<i>Romyneja coulteri</i>	Malilla Poppy*
	<i>Romyneja coulteri</i>	Malilla Poppy*
	<i>Savina arborescens</i>	Aspen
	<i>Savina arborescens</i>	Aspen
	<i>Savina arborescens</i>	Creeching Sage*


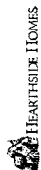
Stakes (cont.)		
Botanical Name	Common Name	
<i>Sanfolina chin. 'Nana'</i>	Green Lavender Cotton	
<i>Sanfolina virens</i>	Green Lavender Cotton	
<i>Solanum xanthi. 'Purple'</i>	Nightshade	
<i>Xylocopa congestum</i>	Shiny Xylocopa	
<i>Yucca Species</i>	Yucca	
<i>Yucca whipplei</i>	Yucca	
Groundcover		
Botanical Name	Common Name	
<i>Amaria maritima</i>	Common Thrift	
<i>Artemisia caucasiaca</i>	Caucasian Artemisia*	
<i>Artemisia tridentata</i> x <i>Reel</i> Apple	no common name*	
<i>Chrys. crocea</i>	Crocopsis	
<i>Ceanothus. incanella</i>	Australian Fuchsia*	
<i>Corea pulchella</i>	no common name*	
<i>Crassula adalae</i>	no common name*	
<i>Crassula multiflora</i>	White trailing to Plant*	
<i>Delosperma. abaji</i>	Roses Ice Plant	
<i>Diosanthemum foribundum</i>	no common name	
<i>Diosanthemum hispidum</i>	Devilflower	
<i>Diosanthemum speciosus</i>	Wild Strawberry/Sand Strawberry*	
<i>Fragaria chilensis</i>	Wild Strawberry	
<i>Gazania. tyronis</i>	Training Gazania	
<i>Gazania. succulanea</i>	English Ivy*	
<i>Hebea canariensis</i>	Eging Candyfuit	
<i>Iberis sempervirens</i>	Globe Candyfuit	
<i>Iberis unguiculatum</i>	Bush Ice Plant	
<i>Lampranthus aurantiacus</i>	Red Robin Creeper	
<i>Lampranthus filiculis</i>	Red Robin Creeper	
<i>Leibertia californica</i>	Desert Goldfields	
<i>Lupinus antonicens</i>	Dwarf Lupine	
<i>Lupinus berthamii</i>	Spider Lupine	
<i>Lupinus bicolor</i>	Sky Lupine	
<i>Lupinus spartacus</i>	Loosey /flowered Annual Lupine/ Coulter's	
<i>Lupinus spartacus</i>	Loosey	
<i>Pearsonium petalum</i>	Ivy Geranium	
Vines		
Botanical Name	Common Name	
<i>Bougainvillea</i>	Bougainvillea	
<i>Cissampelos angulis-asi</i>	Golden Vine*	
<i>Mandevilla tropica</i>	Passion Flower	
<i>Passiflora edulis</i>	Passion Flower	

WOLSA CHICA STREETSCAPE AND NORTHERN PERIMETER PALETTE

[illegible]COODELL PROPERTY
PLANT PALETTE KEY MAP

***Drought Tolerant Plant Species**

THE RIDGE


HEARTH-SIDE IDIOMS

Plant Palette



January 2009
Sheet 5 of 8



COMMUNITY PALETTE

Tree	Common Name	King Palm (Not to be used within 100' (close proximity) of natural areas)	Queen Palm (Not to be used within 100' (close proximity) of natural areas)
Archontophoenix cunninghamiana	Common Nanga	King Palm (Not to be used within 100' (close proximity) of natural areas)	Queen Palm (Not to be used within 100' (close proximity) of natural areas)
Brachychiton populneus	Strawberry Tree*	King Palm (Not to be used within 100' (close proximity) of natural areas)	Queen Palm (Not to be used within 100' (close proximity) of natural areas)
Brahea armata	Bottle Tree	King Palm (Not to be used within 100' (close proximity) of natural areas)	Queen Palm (Not to be used within 100' (close proximity) of natural areas)
Cassia leptophylla	Mexican Blue Palm*	King Palm (Not to be used within 100' (close proximity) of natural areas)	Queen Palm (Not to be used within 100' (close proximity) of natural areas)
Carex occidentalis	Gold Metallion Tree	King Palm (Not to be used within 100' (close proximity) of natural areas)	Queen Palm (Not to be used within 100' (close proximity) of natural areas)
Casuarina cunninghamiana	Blue Gum	King Palm (Not to be used within 100' (close proximity) of natural areas)	Queen Palm (Not to be used within 100' (close proximity) of natural areas)
Cocos plumosa	Canbarr Tree	King Palm (Not to be used within 100' (close proximity) of natural areas)	Queen Palm (Not to be used within 100' (close proximity) of natural areas)
Eriobonja deflexa	Queen Palm (Not to be used within 100' (close proximity) of natural areas)	King Palm (Not to be used within 100' (close proximity) of natural areas)	Queen Palm (Not to be used within 100' (close proximity) of natural areas)
Erythrina caffra	Bronze Locket	King Palm (Not to be used within 100' (close proximity) of natural areas)	Queen Palm (Not to be used within 100' (close proximity) of natural areas)
Erythrina corallodend	Coral Tree	King Palm (Not to be used within 100' (close proximity) of natural areas)	Queen Palm (Not to be used within 100' (close proximity) of natural areas)
Euphorbia polifolia	Flamingo Tree	King Palm (Not to be used within 100' (close proximity) of natural areas)	Queen Palm (Not to be used within 100' (close proximity) of natural areas)
Ficus	Florida Fig, Green Gum*	King Palm (Not to be used within 100' (close proximity) of natural areas)	Queen Palm (Not to be used within 100' (close proximity) of natural areas)
Ficus nitida	Indian Laurel Fig, Green Gum*	King Palm (Not to be used within 100' (close proximity) of natural areas)	Queen Palm (Not to be used within 100' (close proximity) of natural areas)
Ficus nuda 'Green Gem'	Indian Laurel Fig - Green Gum	King Palm (Not to be used within 100' (close proximity) of natural areas)	Queen Palm (Not to be used within 100' (close proximity) of natural areas)
Ficus rubiginosa	Rustyleaf Fig	King Palm (Not to be used within 100' (close proximity) of natural areas)	Queen Palm (Not to be used within 100' (close proximity) of natural areas)
Ginkgo biloba	Maidenhair	King Palm (Not to be used within 100' (close proximity) of natural areas)	Queen Palm (Not to be used within 100' (close proximity) of natural areas)
Jacaranda acutifolia	Blackheart	King Palm (Not to be used within 100' (close proximity) of natural areas)	Queen Palm (Not to be used within 100' (close proximity) of natural areas)
Jacaranda spectata	Crimson Myrtle	King Palm (Not to be used within 100' (close proximity) of natural areas)	Queen Palm (Not to be used within 100' (close proximity) of natural areas)
Lauris nobilis	Grecian Laurel*	King Palm (Not to be used within 100' (close proximity) of natural areas)	Queen Palm (Not to be used within 100' (close proximity) of natural areas)
Magnolia grandiflora 'Samual Sommers'	Southern Magnolia	King Palm (Not to be used within 100' (close proximity) of natural areas)	Queen Palm (Not to be used within 100' (close proximity) of natural areas)
Magnolia grandiflora 'Majestic Beauty'	Southern Magnolia	King Palm (Not to be used within 100' (close proximity) of natural areas)	Queen Palm (Not to be used within 100' (close proximity) of natural areas)
Malealea nescipilla	Pink Malaleuca	King Palm (Not to be used within 100' (close proximity) of natural areas)	Queen Palm (Not to be used within 100' (close proximity) of natural areas)
Malealea quinquevenia	Cleopatra Tree*	King Palm (Not to be used within 100' (close proximity) of natural areas)	Queen Palm (Not to be used within 100' (close proximity) of natural areas)
Melastomaceae excelsus	New Zealand Christmas Tree*	King Palm (Not to be used within 100' (close proximity) of natural areas)	Queen Palm (Not to be used within 100' (close proximity) of natural areas)
Neodryas decussata	Canary Island Date Palm (Not to be used within 100' (close proximity) of natural areas)	King Palm (Not to be used within 100' (close proximity) of natural areas)	Queen Palm (Not to be used within 100' (close proximity) of natural areas)
Neodryas decussata	Canary Island Date Palm (Not to be used within 100' (close proximity) of natural areas)	King Palm (Not to be used within 100' (close proximity) of natural areas)	Queen Palm (Not to be used within 100' (close proximity) of natural areas)
Phoenix canariensis	Canary Island Date Palm (Not to be used within 100' (close proximity) of natural areas)	King Palm (Not to be used within 100' (close proximity) of natural areas)	Queen Palm (Not to be used within 100' (close proximity) of natural areas)
Phoenix dactylifera	Canary Island Date Palm (Not to be used within 100' (close proximity) of natural areas)	King Palm (Not to be used within 100' (close proximity) of natural areas)	Queen Palm (Not to be used within 100' (close proximity) of natural areas)
Pinus	Canary Island Date Palm (Not to be used within 100' (close proximity) of natural areas)	King Palm (Not to be used within 100' (close proximity) of natural areas)	Queen Palm (Not to be used within 100' (close proximity) of natural areas)
Pinus edulis	Canary Island Date Palm (Not to be used within 100' (close proximity) of natural areas)	King Palm (Not to be used within 100' (close proximity) of natural areas)	Queen Palm (Not to be used within 100' (close proximity) of natural areas)
Pinus halepensis	Canary Island Date Palm (Not to be used within 100' (close proximity) of natural areas)	King Palm (Not to be used within 100' (close proximity) of natural areas)	Queen Palm (Not to be used within 100' (close proximity) of natural areas)
Podocarpus gracilior	Canary Island Date Palm (Not to be used within 100' (close proximity) of natural areas)	King Palm (Not to be used within 100' (close proximity) of natural areas)	Queen Palm (Not to be used within 100' (close proximity) of natural areas)
Pinus leucodermis	Canary Island Date Palm (Not to be used within 100' (close proximity) of natural areas)	King Palm (Not to be used within 100' (close proximity) of natural areas)	Queen Palm (Not to be used within 100' (close proximity) of natural areas)
Pinus laurina	Canary Island Date Palm (Not to be used within 100' (close proximity) of natural areas)	King Palm (Not to be used within 100' (close proximity) of natural areas)	Queen Palm (Not to be used within 100' (close proximity) of natural areas)
Tabebuia chrysotricha	Canary Island Date Palm (Not to be used within 100' (close proximity) of natural areas)	King Palm (Not to be used within 100' (close proximity) of natural areas)	Queen Palm (Not to be used within 100' (close proximity) of natural areas)
Tabebuia impetiginosa	Canary Island Date Palm (Not to be used within 100' (close proximity) of natural areas)	King Palm (Not to be used within 100' (close proximity) of natural areas)	Queen Palm (Not to be used within 100' (close proximity) of natural areas)
Tachibana ipe	Canary Island Date Palm (Not to be used within 100' (close proximity) of natural areas)	King Palm (Not to be used within 100' (close proximity) of natural areas)	Queen Palm (Not to be used within 100' (close proximity) of natural areas)
Tristiana conferta	Canary Island Date Palm (Not to be used within 100' (close proximity) of natural areas)	King Palm (Not to be used within 100' (close proximity) of natural areas)	Queen Palm (Not to be used within 100' (close proximity) of natural areas)
Tupaianthus calyptratus	Canary Island Date Palm (Not to be used within 100' (close proximity) of natural areas)	King Palm (Not to be used within 100' (close proximity) of natural areas)	Queen Palm (Not to be used within 100' (close proximity) of natural areas)

[illegible]

Groundcover	Common Name
Baccharis ptilularis	Common Thrift
Baccharis pilularis	Dwarf Coyote Bush*
Baccharis pilularis	Coyote Bush*
Baccharis pilularis 'Twin Peaks #2'	Dwarf Coyote Bush*
Baccharis pilularis 'Twin Peaks'	Coyote Bush Prostrate*
Dimorphotheca aurantiaca	Mexican Daisy
Gazania 'Copper King'	Bush Gazania*
Gazania 'Moon Glow'	Gazania*
Gazania hybrid 'Missia Yellow'	Semitrailing Yellow Gazania*
Lantana sellowiana	Trailing Lantana*
Osteospermum sp.	Osteospermum*
Santolina cna. 'Nana'	Lavender Cotton*
Verbenia peruviana species	Verbena*
Vines	Common Name
Ampelopsis sp.	Grapevine
Celastrus scandens	Pink Flower Puff
Cyclostoma callistegloides	Violet Trumpet Vine
Disclidia buccinatoria	Blood-Red Trumpet Vine
Grewia occidentalis	Lavender Starflower
Hardenbergia violacea	Hardenbergia
Macbrayna unguis-cati	Salt's Claw
Passiflora ligularis	Blue Bird
Miconia macroptera	Golden Vine*
Parthenocissus tricuspidata	Bower Vine
Pasiflora edulis	Boston Ivy
Rosa banksiae 'Aba Plena'	Passion Flower*
Trachelospermum jasminoides	Climbing Rose
Turf	Star Jasmine
Botanical Name	Common Name
Marathon II 'Festuca Arundinacea'	Dwarf Tall Fescue

•Drought Tolerant Plant Species

THE RIDGE



HEARTHIDE HOMES

Plant Palette



January 2009
Sheet 6 of 8

THE RIDGE

HEARTHSIDE HOMES

Irrigation Design - Drip System

ICOMA

DESIGN & CONSTRUCTION

SHEET 6 OF 8

A DRIP VALVE ASSEMBLY - FLOWS LESS THAN 20GPM

SCALE: 1" = 8'

NOTES: ALL TUBING CONNECTIONS TO HAVE TO GO LINE OR WASTE.

B DRIP VALVE ASSEMBLY - FLOWS EXCEEDING 20GPM

SCALE: 1" = 8'

NOTES: ALL TUBING CONNECTIONS TO HAVE TO GO LINE OR WASTE.

C TECHLINE FITTINGS

SCALE: 1" = 8'

D DRIPLINE MANUAL FLUSH VALVE

SCALE: 1" = 8'

NOTES: ALL TUBING CONNECTIONS TO HAVE TO GO LINE OR WASTE.

E LANDSCAPE DRIPLINE - SHRUB AREAS

SCALE: 1" = 8'

F DRIP ZONE LAYOUT - CENTER FEED

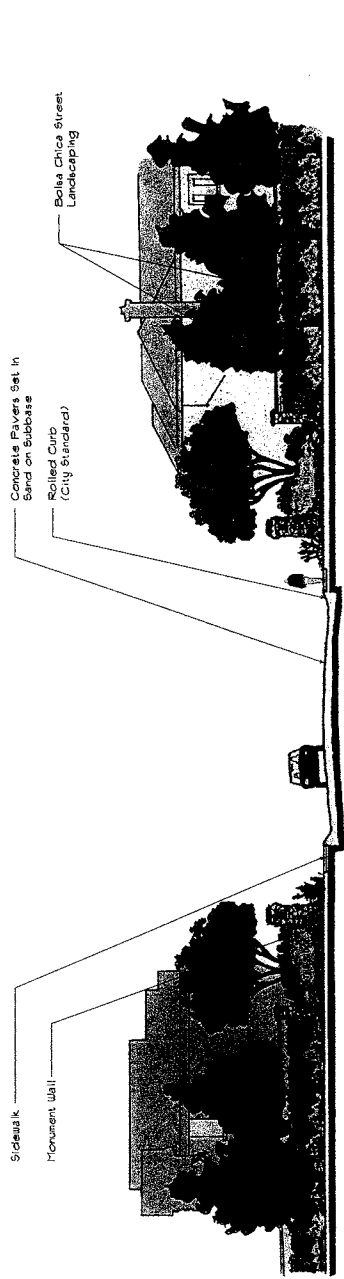
SCALE: 1" = 8'

G DRIP ZONE LAYOUT - MULTIPLE BEDS

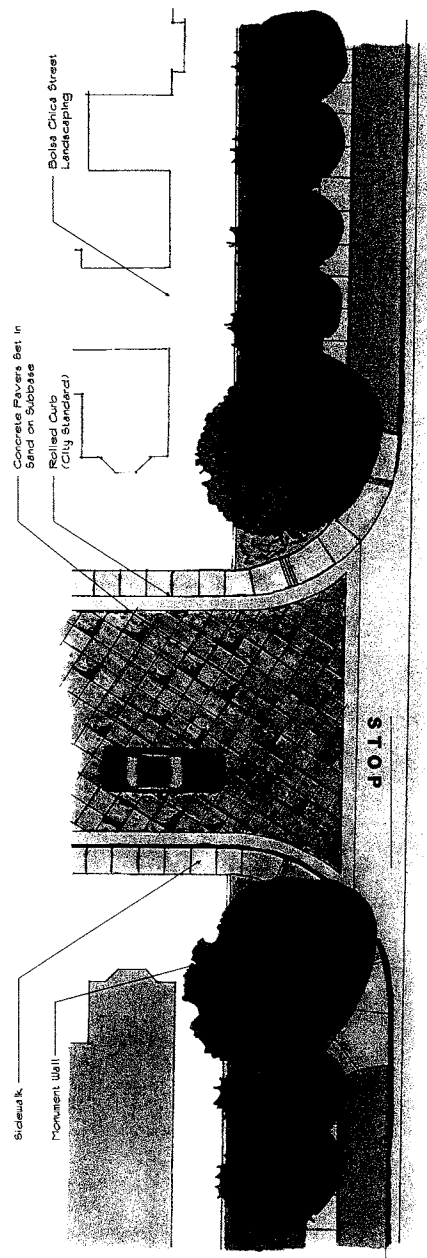
SCALE: 1" = 8'

H SUB-SURFACE TURF IRRIGATION (ALTERNATIVE)

SCALE: 1" = 8'

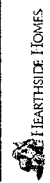


ELEVATION
Scale: N.T.S.



PLAN VIEW
Scale: N.T.S.

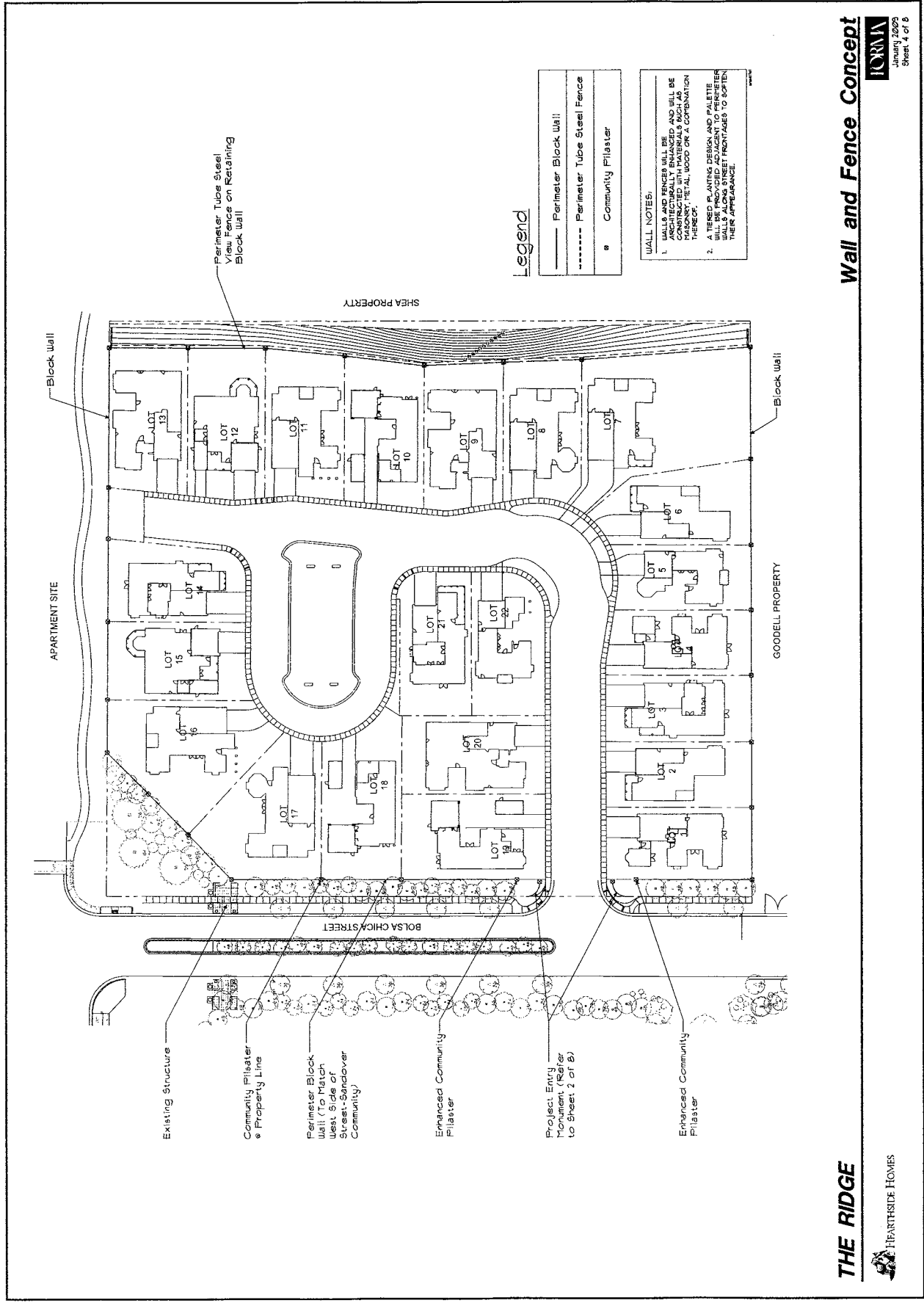
THE RIDGE



Project Entry Concept

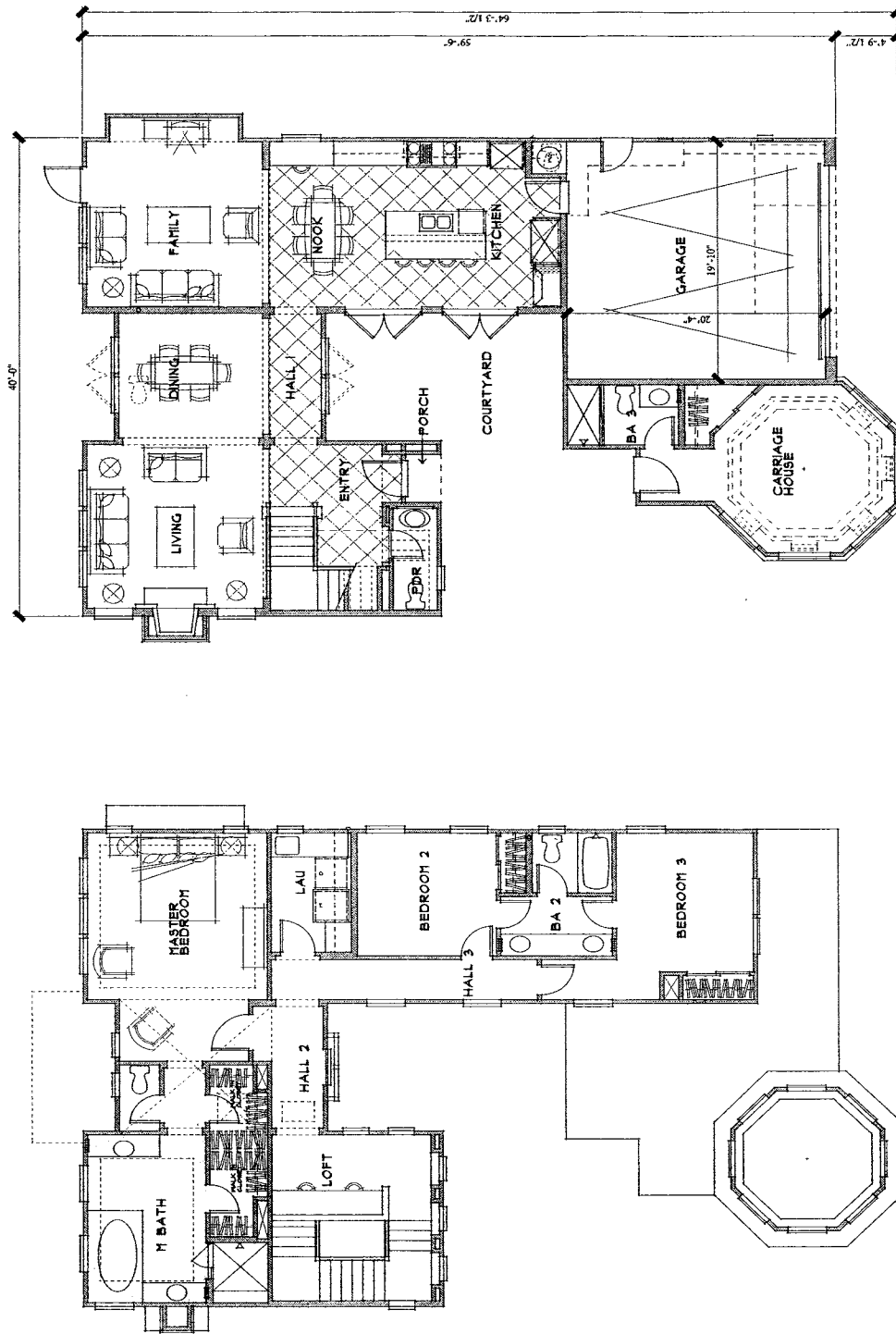


January 2009
Sheet 2 of 8



ATTACHMENT NO. 10.11

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PLAN 1A • 2,730 SQ. FT.

■ **THE RIDGE** ■
HUNTINGTON BEACH, CA
HEARTHSE HOMS

THE RIDGE
City of Huntington Beach

Exhibit 4-1
Plan 1
Floor Plans



HEARTHSE HOMS

NTS

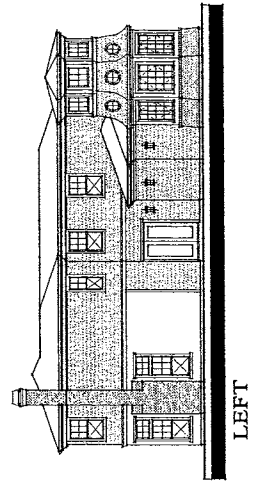
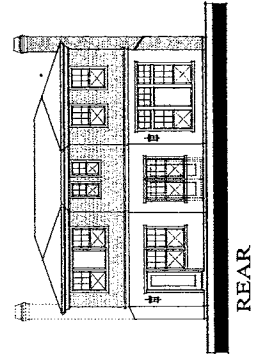
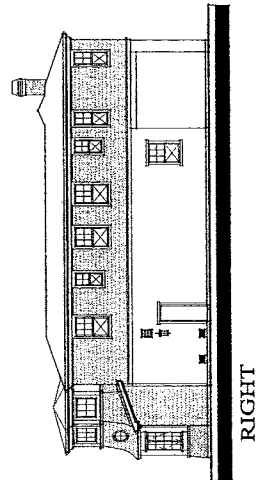
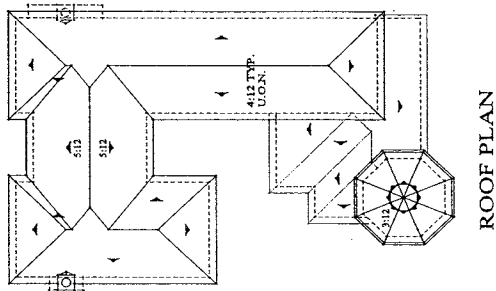
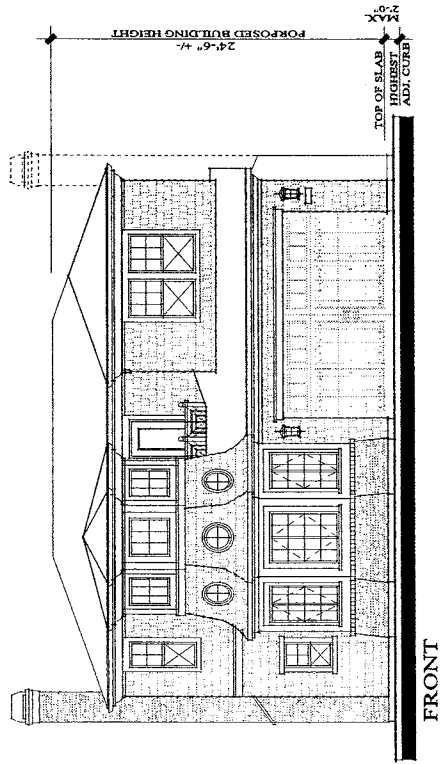
BASSENIAN
LACONI

STUART CONTRACTING INC.
10000 10TH AVE
LA JOLLA, CA 92037
(619) 451-1000

FORMA
2009-03-07

ATTACHMENT NO. 10.12

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PLAN 1A
THE RIDGE
HUNTINGTON BEACH, CA
HEARTHSIDE HOMES

THE RIDGE
City of Huntington Beach

Exhibit 4-2
Plan 1A
Elevations



HEARTHSIDE HOMES



NTS

BASSENIAN

architects

L.A. CO.



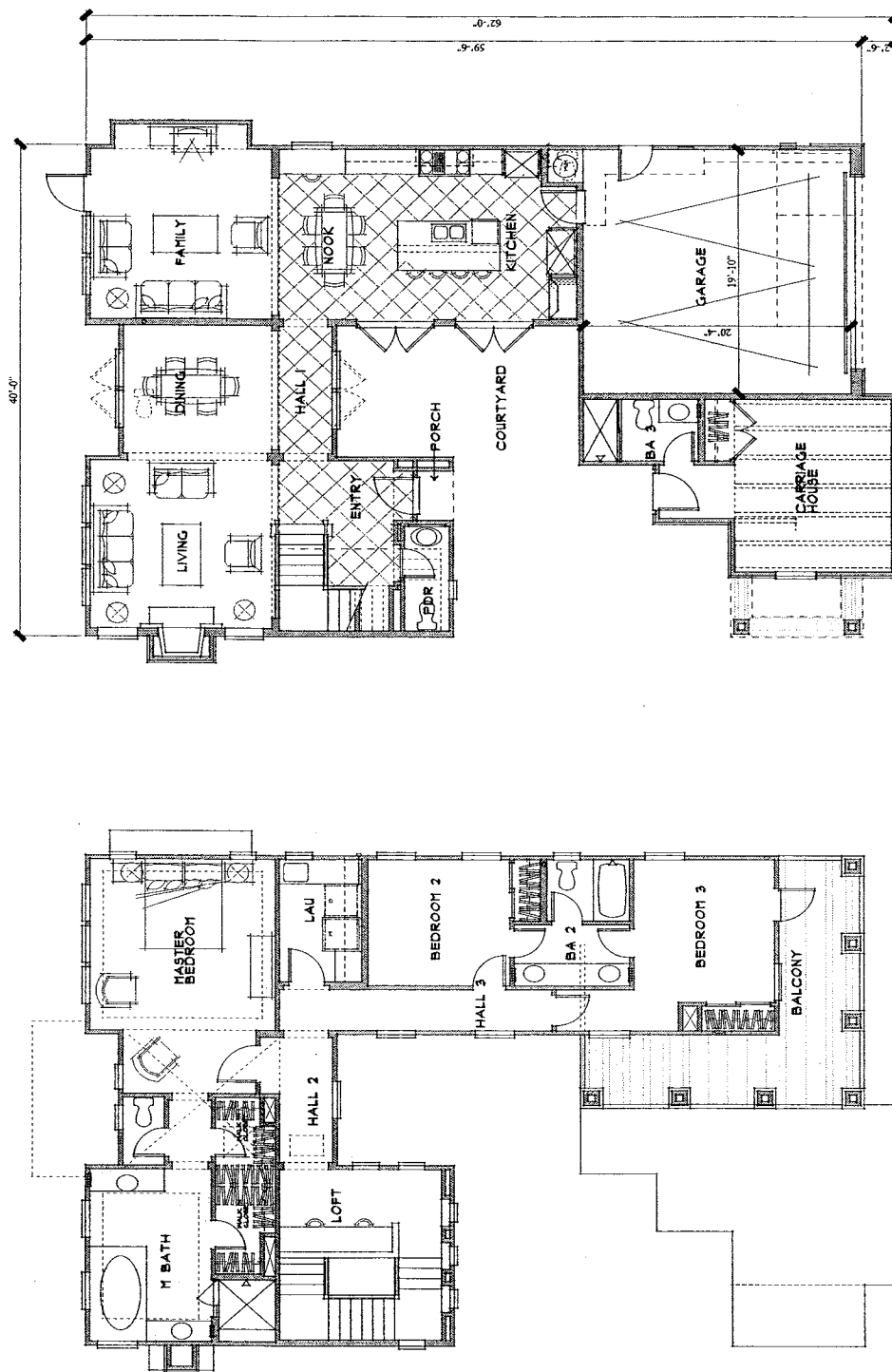
STANDARD COMMUNITY PLAN
TO RECONSTRUCT FIRST
HARVEST, CA, 70'-0"

FORMA

2009-03-07

ATTACHMENT NO. 10.13

S:\clients\heartside_0754\075407207_planning_cad\products\the_ridge\working\indesign\architecture



PLAN 1B • 2,724 SQ. FT.

■ **THE RIDGE** ■
HUNTINGTON BEACH, CA
HEARTH-SIDE HOMES

THE RIDGE
City of Huntington Beach



HEARTH-SIDE HOMES

ATTACHMENT NO. 10.14

BASSENAN



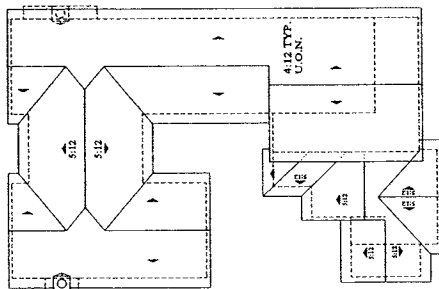
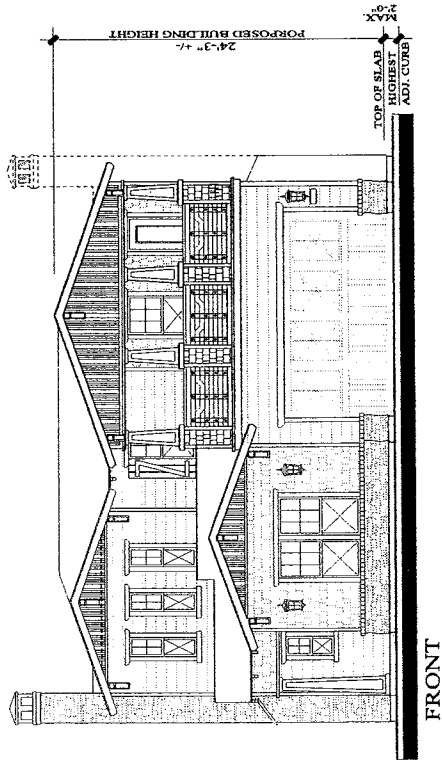
EQUAL OPPORTUNITY
NATIONAL ASSOCIATION OF REALTORS

FORMA

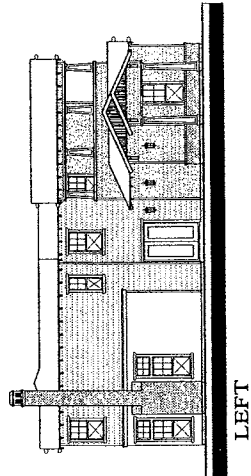
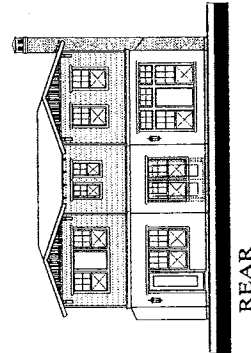
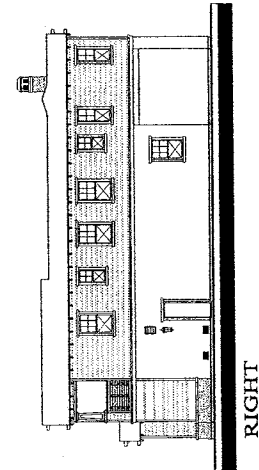
2009-03-07

Exhibit 4-3
Plan 1
Floor Plans

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ROOF PLAN



PLAN 1B
THE RIDGE
HUNTINGTON BEACH, CA
HEARTHSIDE HOMES

THE RIDGE
City of Huntington Beach



HEARTHSIDE HOMES

Exhibit 4-4
Plan 1B
Elevations



NTS
ATTACHMENT NO. 10.15

BASSENIAN

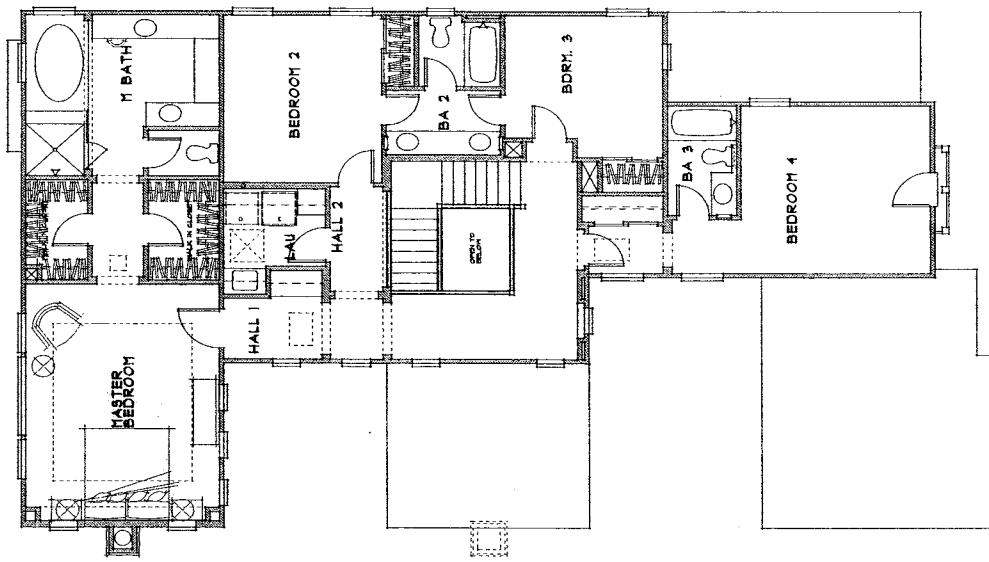
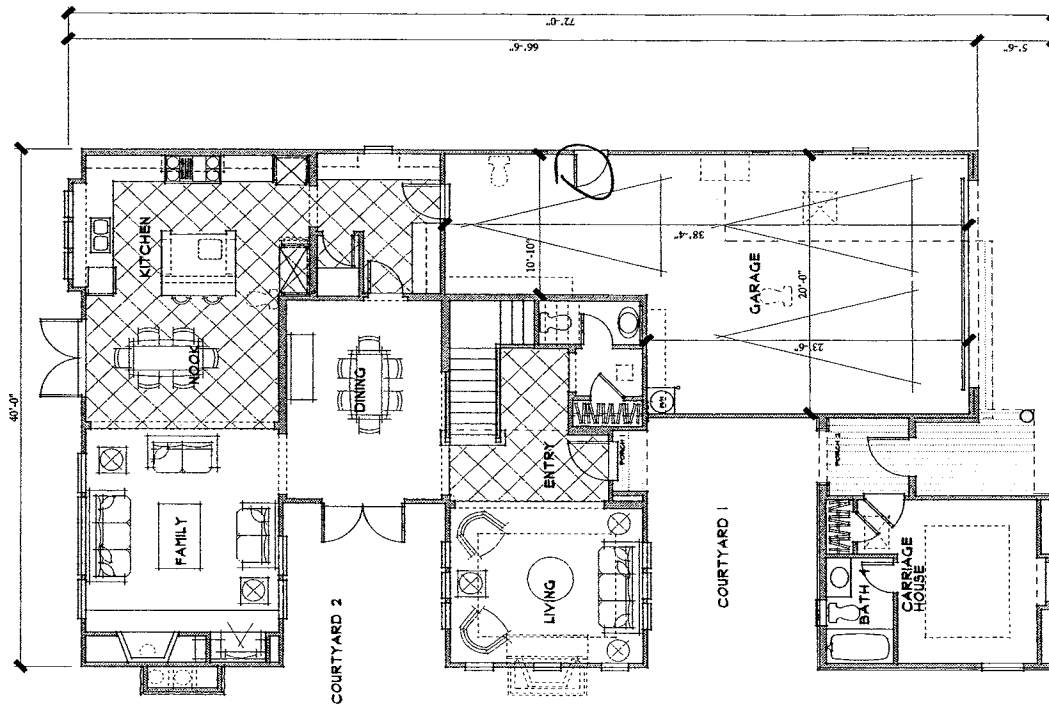


CHAPTER CONTRACTING INC.
100 N. 100th Street
Huntington Beach, CA 92648
(714) 363-1000

FORMA

2009-03-07

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PLAN 2A • 3,154 SQ. FT.

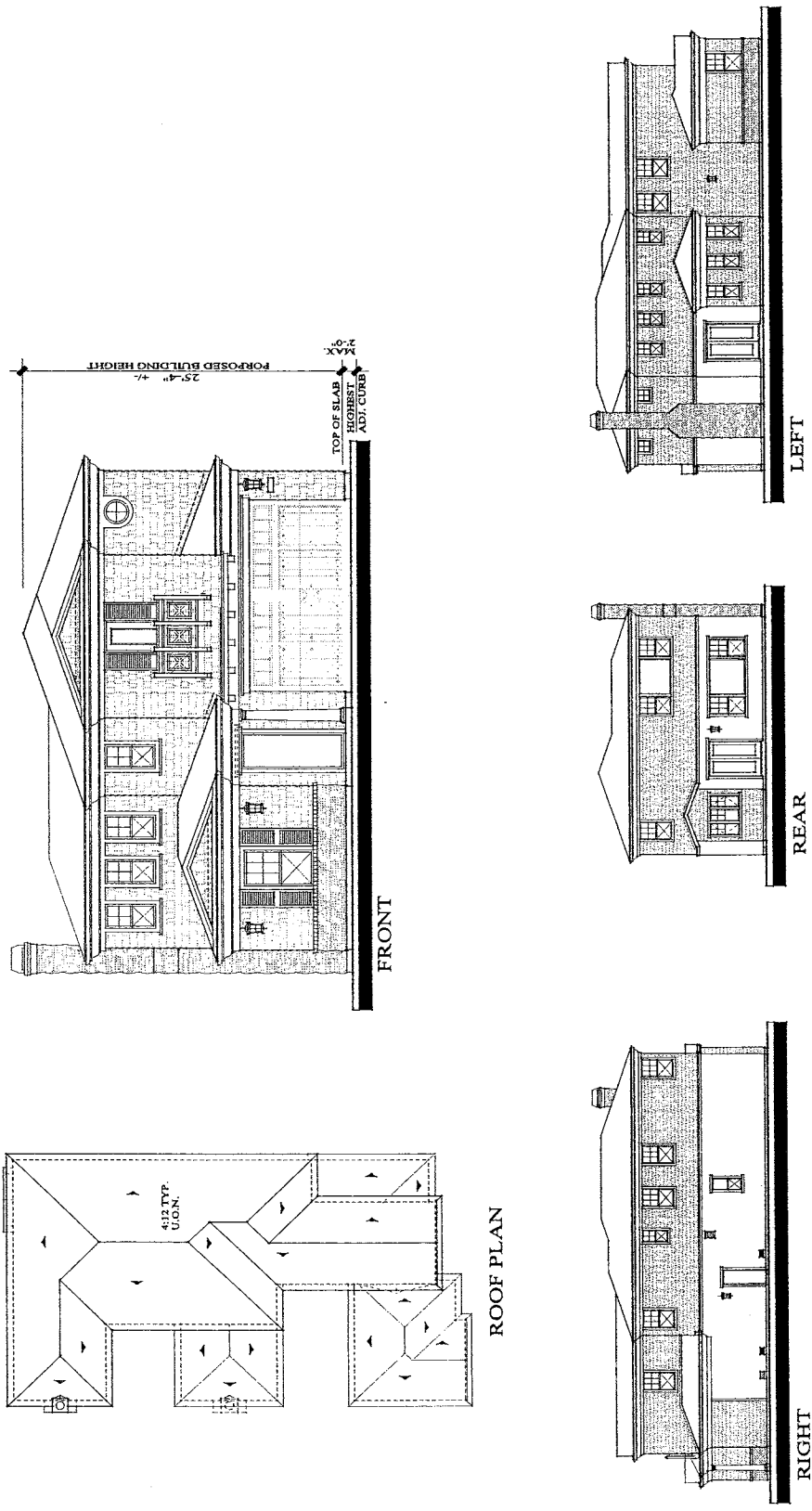
■ **THE RIDGE** ■
HUNTINGTON BEACH, CA
HEARTHSIDE HOMES

THE RIDGE
City of Huntington Beach



Exhibit 4-5
Plan 2
Floor Plans

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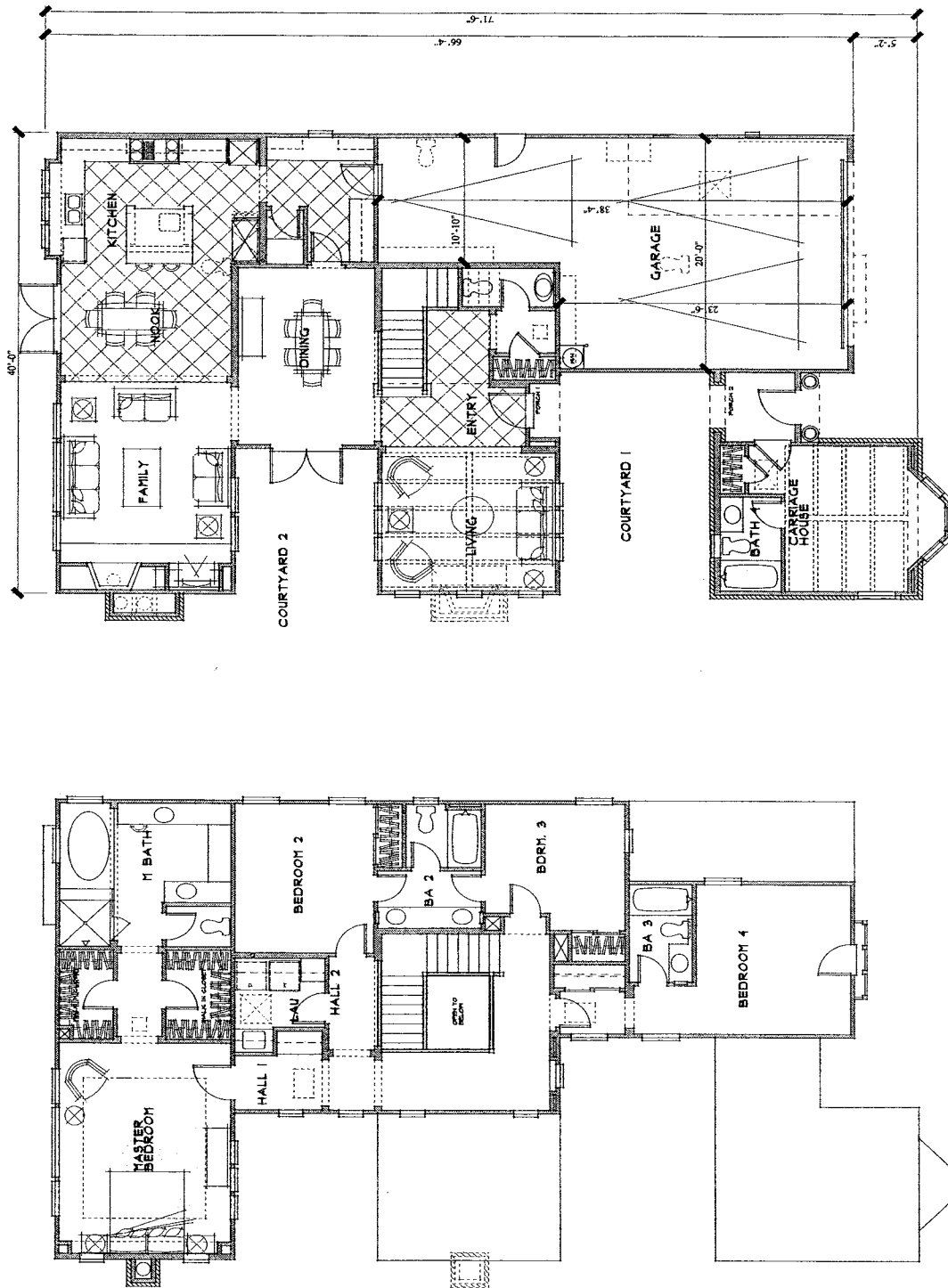
PLAN 2A
THE RIDGE
HUNTINGTON BEACH, CA
HEARTHSIDE HOMES

THE RIDGE
City of Huntington Beach

Exhibit 4-6
Plan 2A
Elevations



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PLAN 2D • 3,153 SQ. FT.

■ THE RIDGE ■

HUNTINGTON BEACH, CA

HEARTHSIDE HOMES

THE RIDGE
City of Huntington Beach



HEARTHSIDE HOMES

Exhibit 4-7

Plan 2

Floor Plans



NTS

BASSENIAN
architects
LACONI

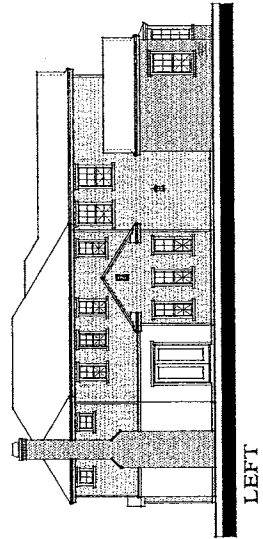
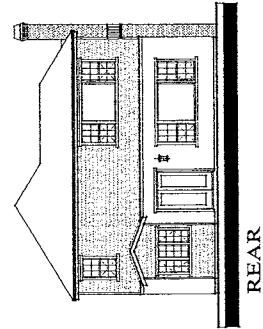
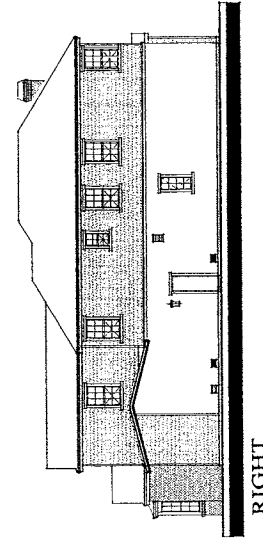
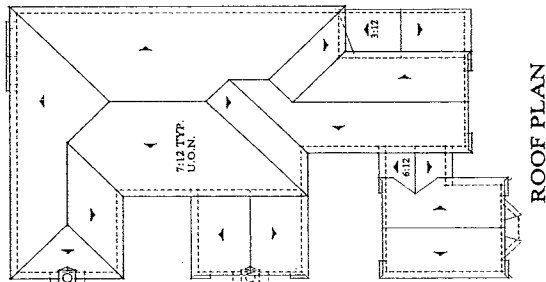
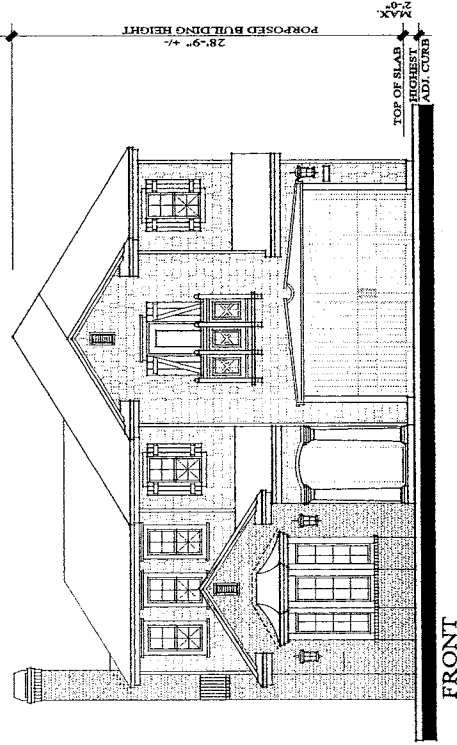


FORMATIVE CONSULTING INC.
11700 HUNTINGTON AVENUE
SUITE 100, 92646
SAN JUAN, CA 92078
Phone: 949.333.8888

FORMA
2009 03 07

ATTACHMENT NO. 10.18

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PLAN 2D
■ THE RIDGE ■
HUNTINGTON BEACH, CA
HEARTHIDE HOMES

THE RIDGE
City of Huntington Beach

Exhibit 4-8
Plan 2D
Elevations



HEARTHIDE HOMES



NTS

BASSENIAN
LACONI

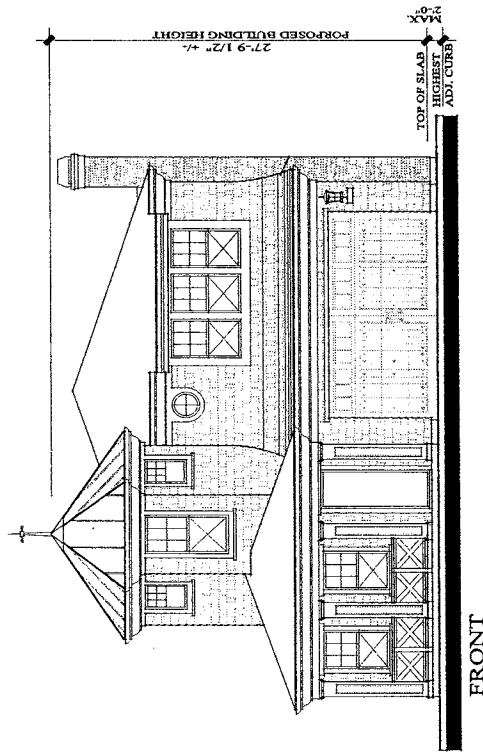


EXHIBIT 4-8
PLAN 2D
HUNTINGTON BEACH, CA
HEARTHIDE HOMES

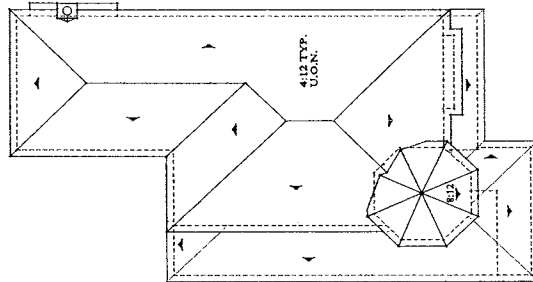
FORMA
2009 03-07

ATTACHMENT NO. 10.19

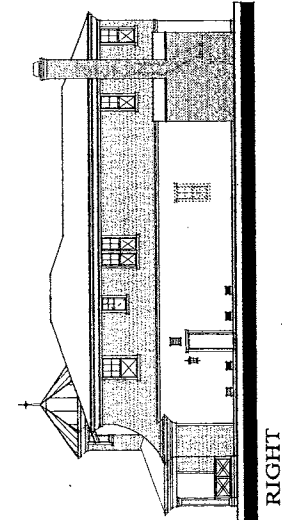
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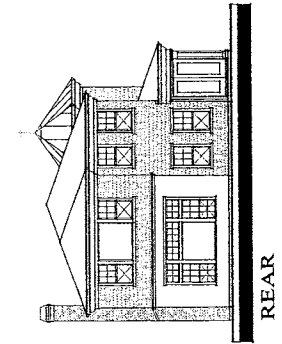
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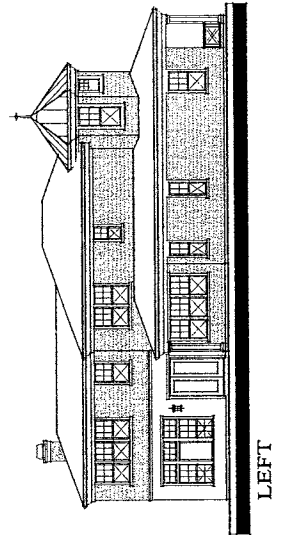
ROOF PLAN



RIGHT



REAR



LEFT

PLAN 3A
THE RIDGE
HUNTINGTON BEACH, CA
HEARTH-SIDE HOMES

THE RIDGE
City of Huntington Beach



HEARTH-SIDE HOMES



ATTACHMENT NO. 10.21



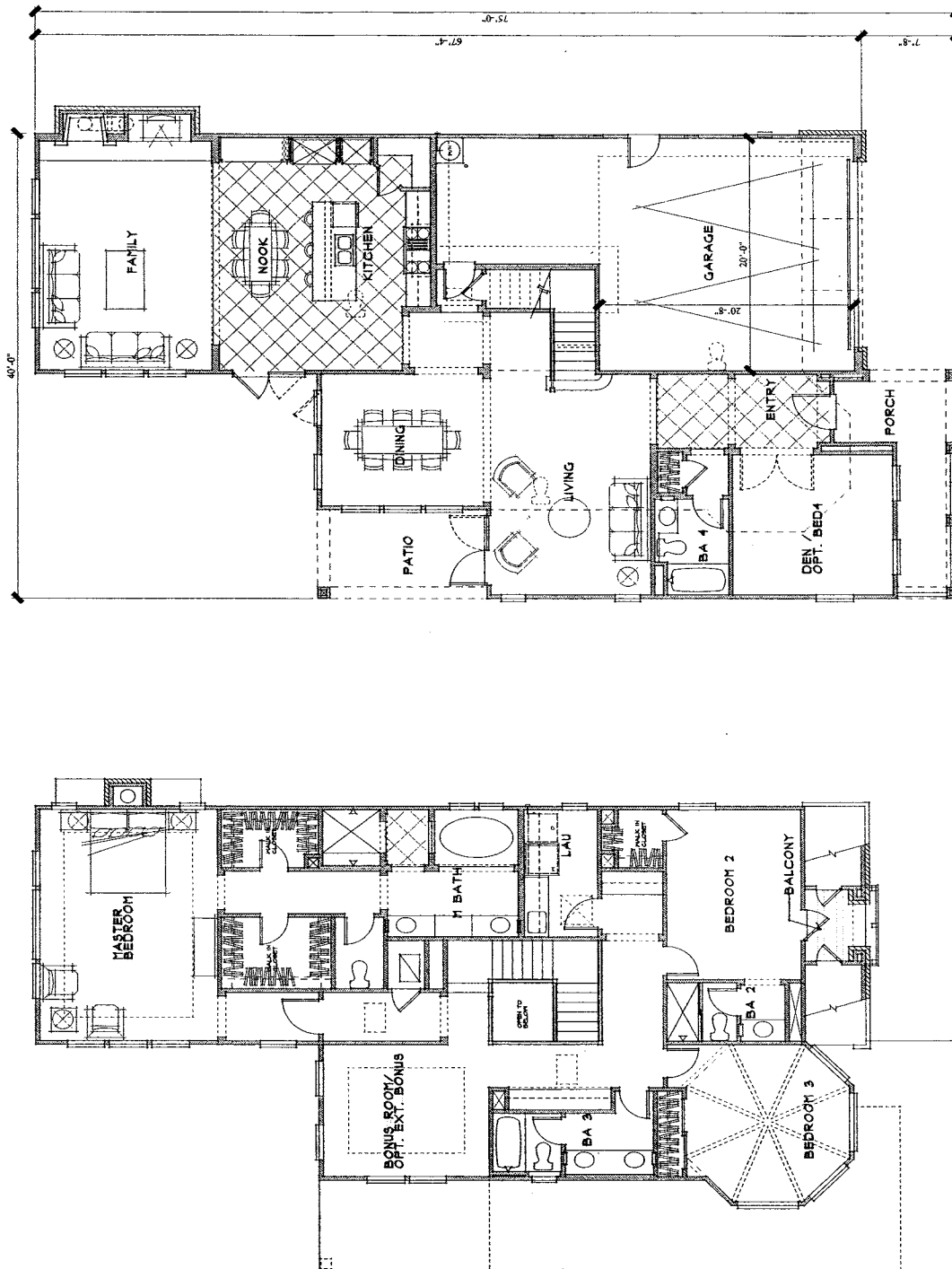
STANTEC CONSULTING INC.
10000 WILSON AVENUE
SUITE 100
DALLAS, TEXAS 75243
409.211.1000



2009-03-07

Exhibit 4-10
Plan 3A
Elevations

S:\clients\the_ridge_0754\0754003\07_planning_cad\products\the_ridge\working\design\architecture



PLAN 3D • 3,294 SQ. FT.

■ **THE RIDGE** ■
HUNTINGTON BEACH, CA
HEARTHSTONE HOMES

THE RIDGE
City of Huntington Beach

Exhibit 4-11
Plan 3^r
Floor Plans



HEARTHSTONE HOMES

NTS

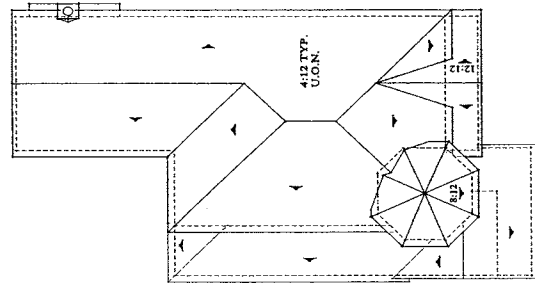
BASSENAN
architects
LACONI

FLUOR CORP. INC.
1000 FLUOR DRIVE
SANTA FE SPRING, CA 92660
Tel: 949.240.1000

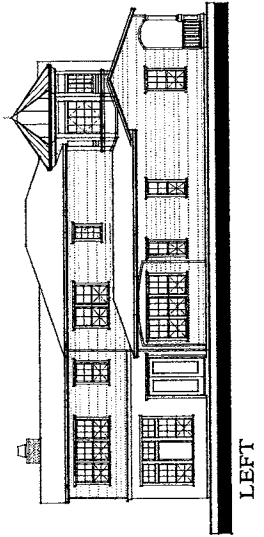
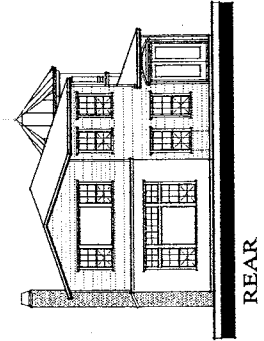
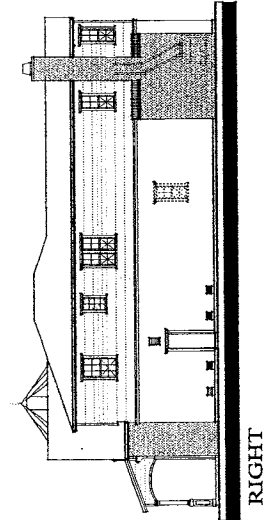
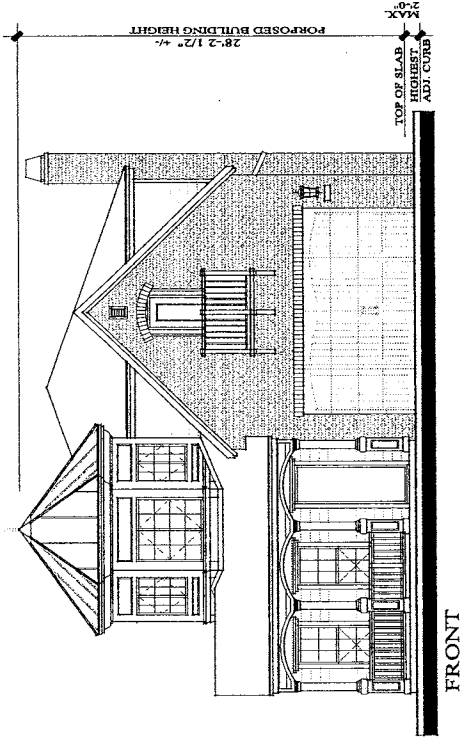
FORMA
2009-03-07

ATTACHMENT NO. 10.27

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ROOF PLAN



PLAN 3D
■ **THE RIDGE** ■
HUNTINGTON BEACH, CA
HEARTHSIDE HOMES

THE RIDGE
City of Huntington Beach



HEARTHSIDE HOMES

Exhibit 4-12
Plan 3D
Elevations



ATTACHMENT NO. 10.23

BASSENIAN



ELITE CONSULTING INC.
3000 N. LAGUNA BLVD.
SUITE 200, LAGUNA, CA 92653

FORMA
2009-03-07



■ THE RIDGE

HUNTINGTON BEACH, CA

HEARTSIDE HOMES

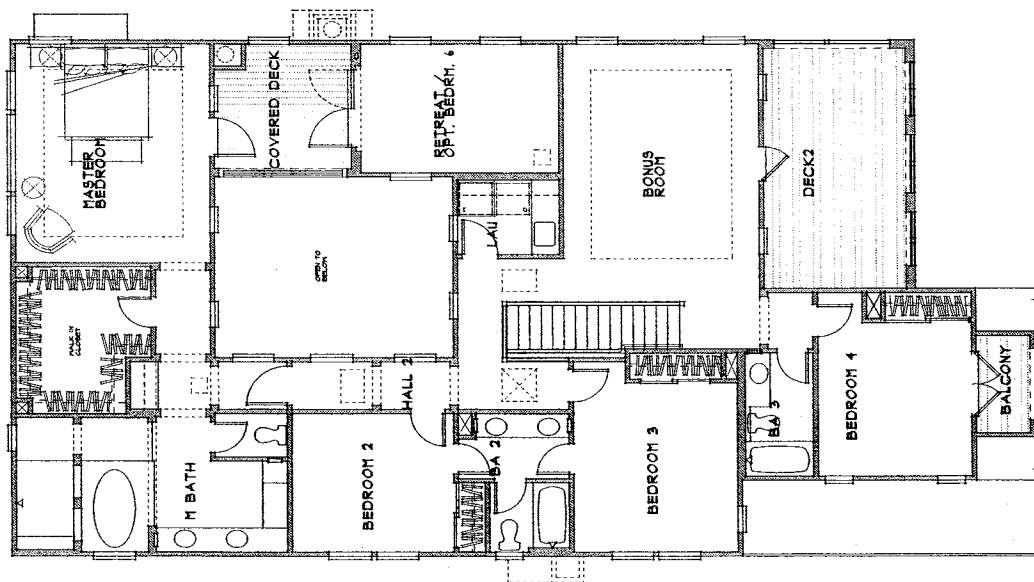


Exhibit 4-13
Plan 4A''
Floor Plans

THE RIDGE
City of Huntington Beach



HEARTHSIDE HOMES

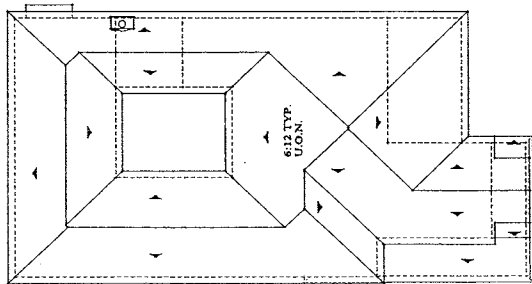
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ATTACHMENT NO. 10.25

BASSENIAN
trachea
LAGONI

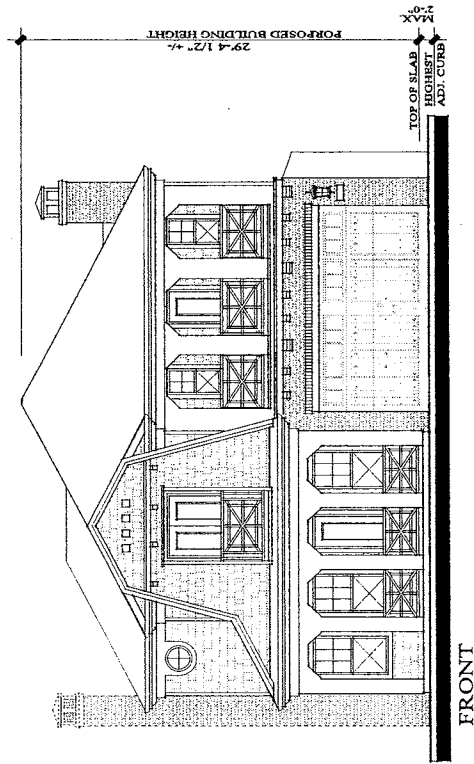
STANTEC CONSULTING INC.
2250-150 AVE. S.W.

FORMA
2009·03·07

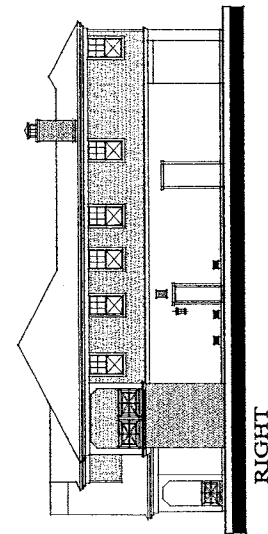
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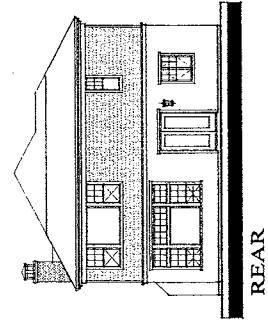
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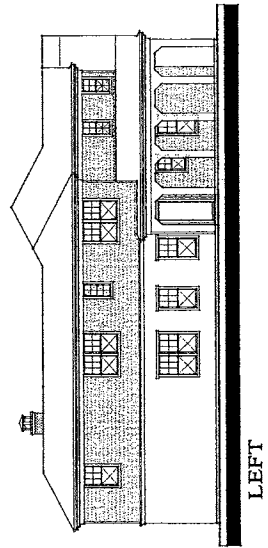
FRONT



RIGHT



REAR



LEFT

PLAN 4AX
THE RIDGE
HUNTINGTON BEACH, CA
HEARTH-SIDE HOMES

THE RIDGE
City of Huntington Beach



HEARTH-SIDE HOMES



NTS



EXAMPLE CONSULTING INC.
11111 10TH AVENUE, SUITE 100
LA JOLLA, CA 92037
619.451.1000

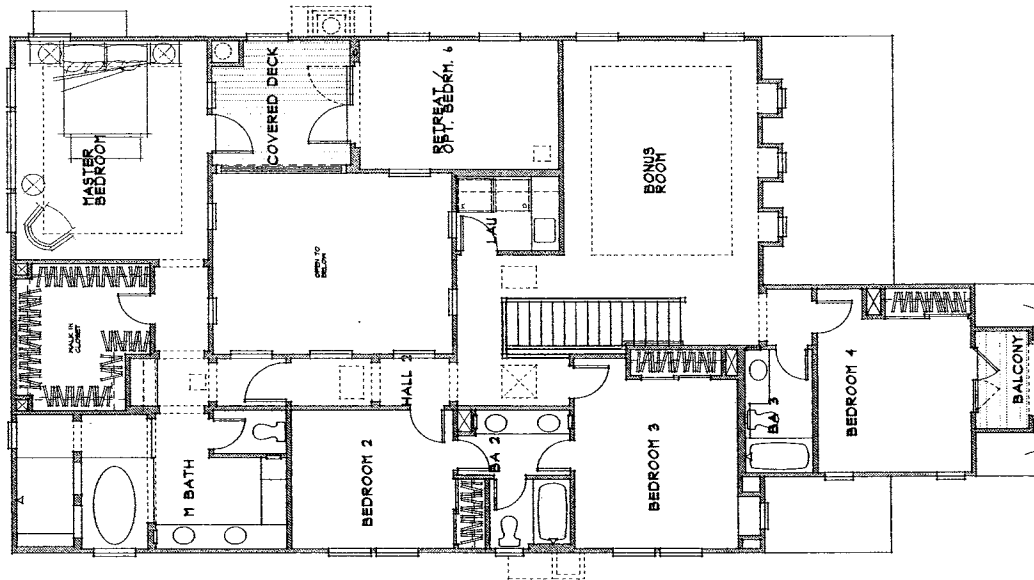
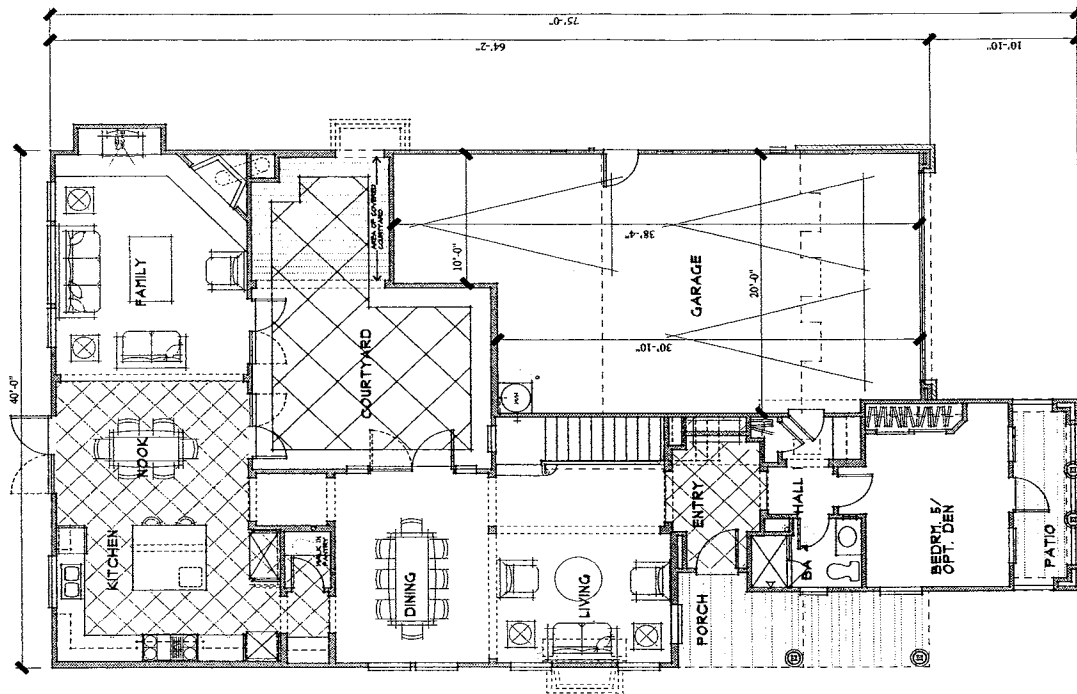


2009-03-07

ATTACHMENT NO. 10.26

Exhibit 4-14
Plan 4AX
Elevations

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PLAN 4D • 3,474 SQ. FT.

THE RIDGE

HUNTINGTON BEACH, CA

HEARTHSTONE HOMES

THE RIDGE
City of Huntington Beach



HEARTHSTONE HOMES



NTS



STANLEY HONDAKIAN INC.
15700 WILSON AVENUE
HUNTINGTON BEACH, CA 92646
(714) 833-1000

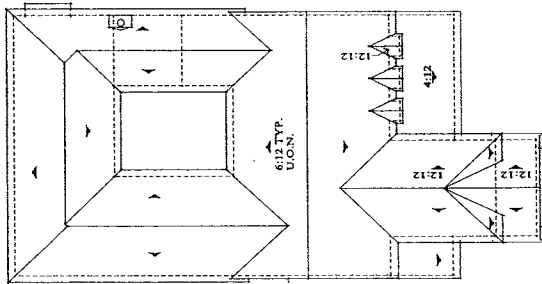


2009-03-07

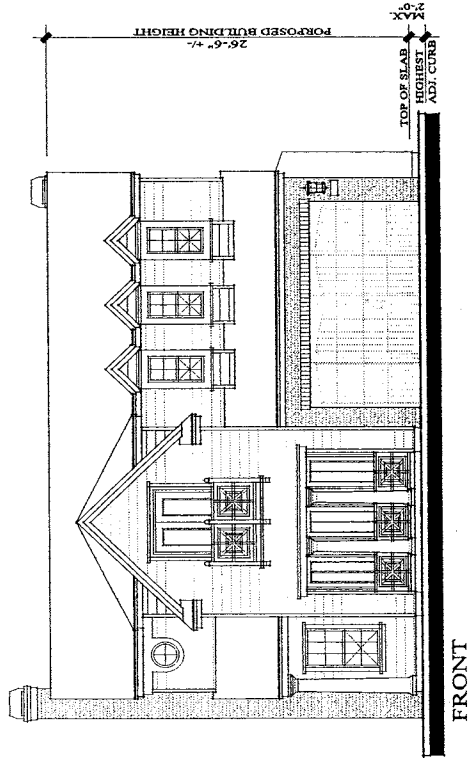
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Exhibit 4-15
Plan 4
Floor Plans

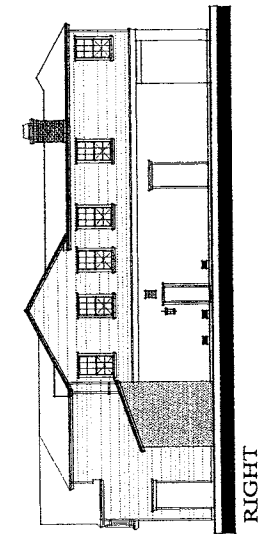
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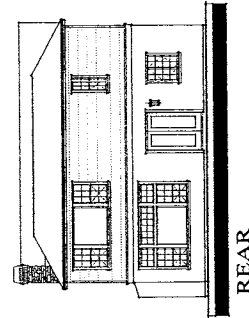
ROOF PLAN



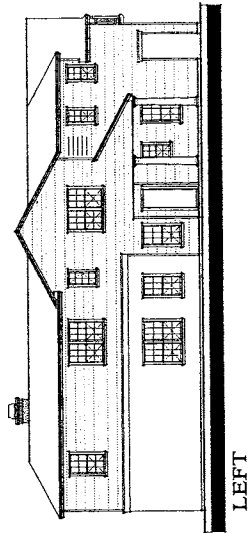
FRONT



RIGHT



REAR



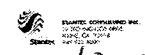
LEFT

PLAN 4D
THE RIDGE
HUNTINGTON BEACH, CA
HEARTHSIDE HOMES

THE RIDGE
City of Huntington Beach

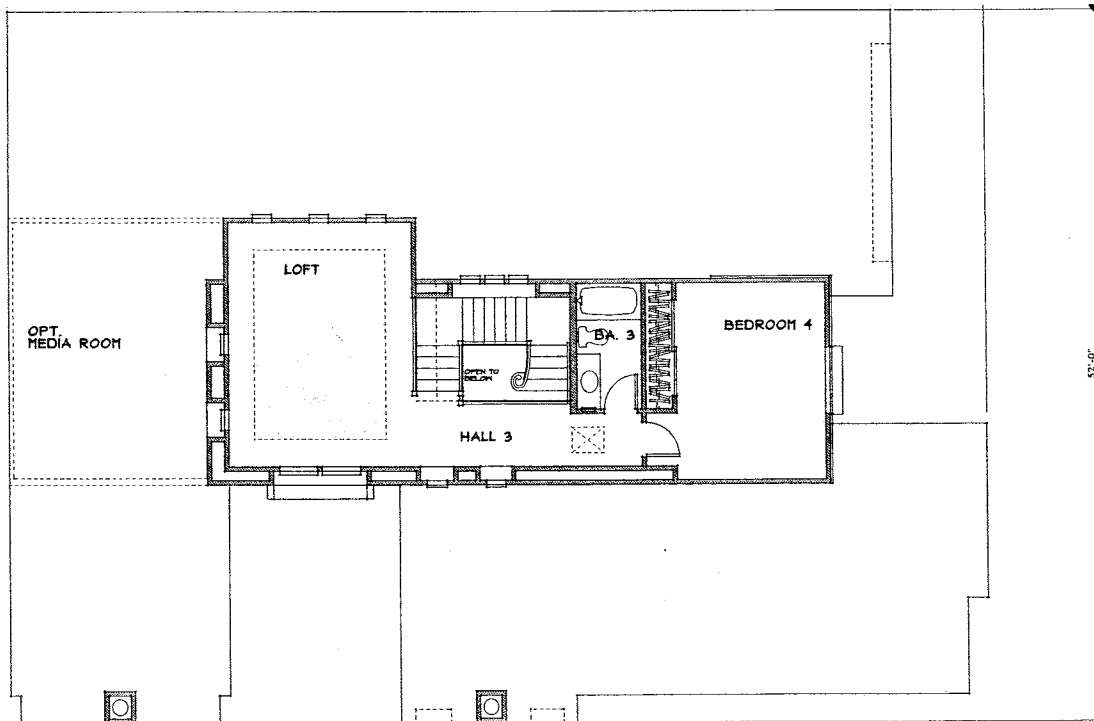
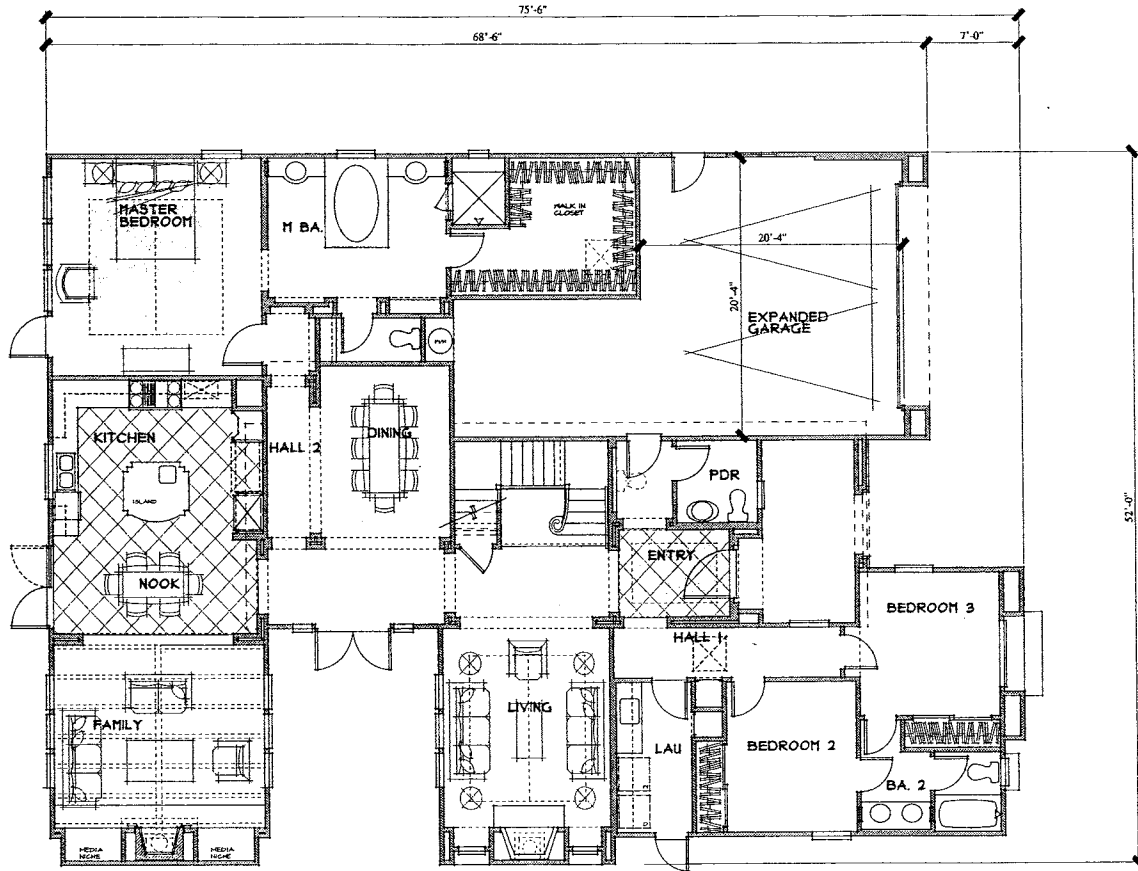


HEARTHSIDE HOMES



ATTACHMENT NO. 10.28

Exhibit 4-16
Plan 4D
Elevations



PLAN 5C • 3,174 SQ. FT.

THE RIDGE

HUNTINGTON BEACH, CA

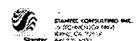
HEARTHSTONE HOMES

Exhibit 4-17
Plan 5C
Floor Plans

THE RIDGE
City of Huntington Beach



HEARTHSTONE HOMES



ATTACHMENT NO. 10.29

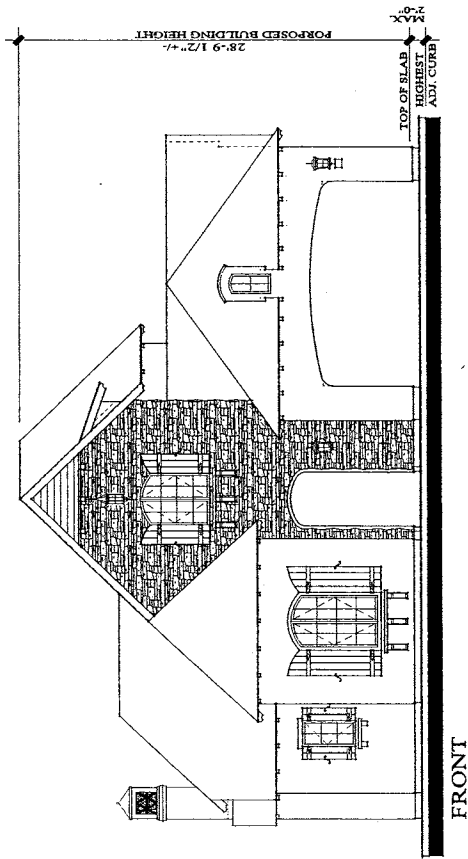
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THE RIDGE

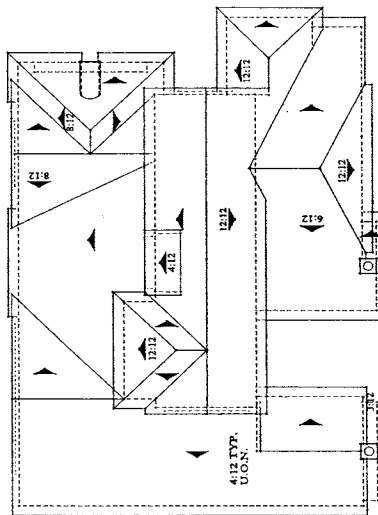
City of Huntington Beach



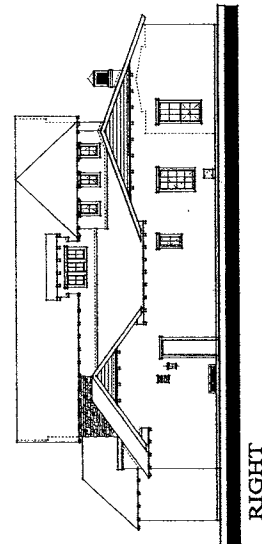
HEARTHSDIDE HOMES



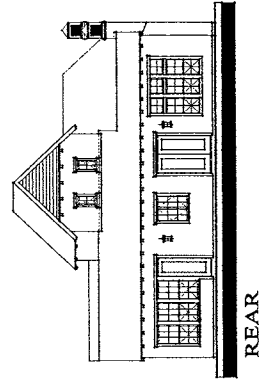
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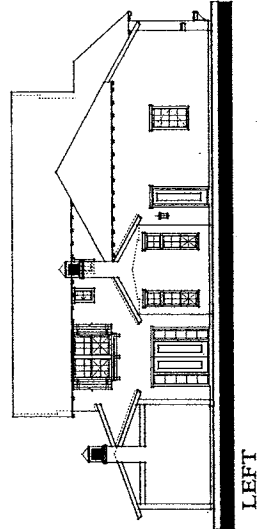
ROOF PLAN



RIGHT



REAR



LEFT

PLAN 5C

THE RIDGE

HUNTINGTON BEACH, CA
HEARTHSDIDE HOMES

Exhibit 4-18
Plan 5C
Elevations

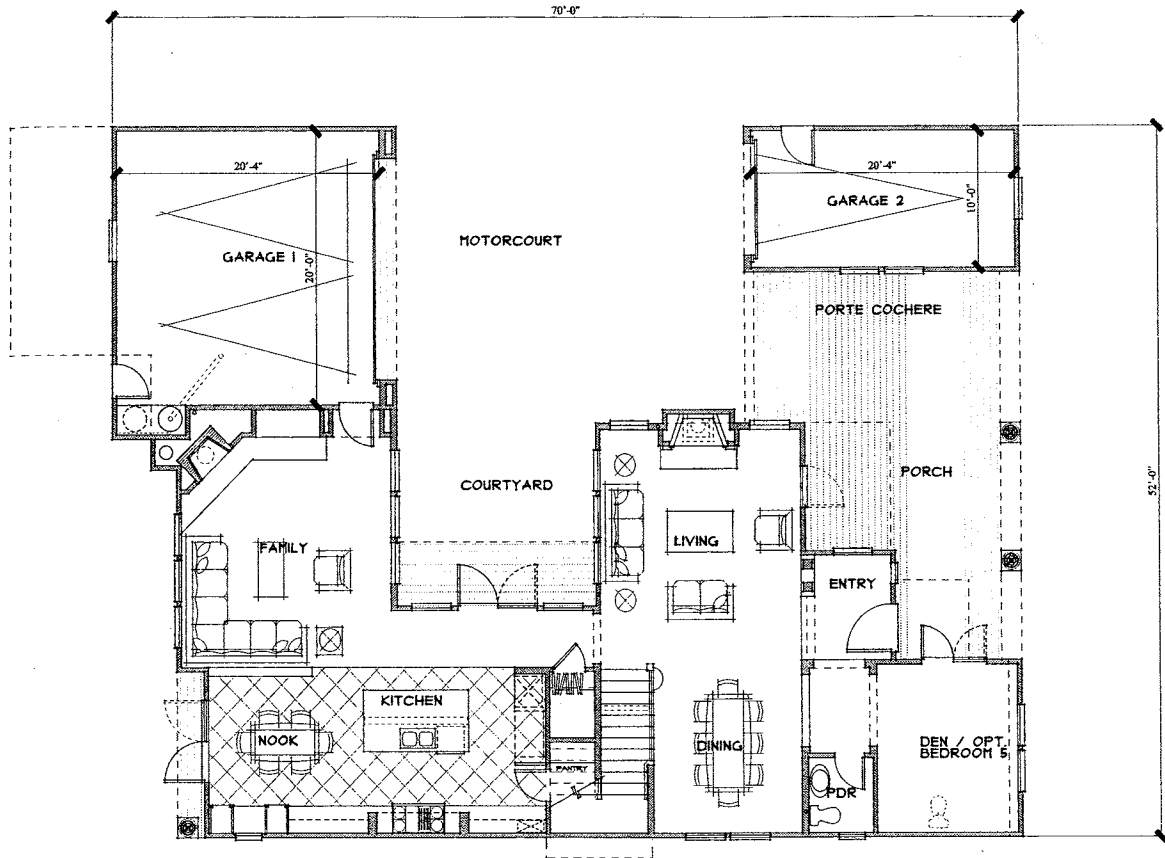


ATTACHMENT NO. 10.30

BASSENIAN

SEATTLE CONSULTING INC.
10000 1st Avenue
Seattle, WA 98104

FORM
2009-03-07



PLAN 6A • 3,548 SQ. FT.

■ **THE RIDGE** ■
HUNTINGTON BEACH, CA
HEARTH-SIDE HOMES

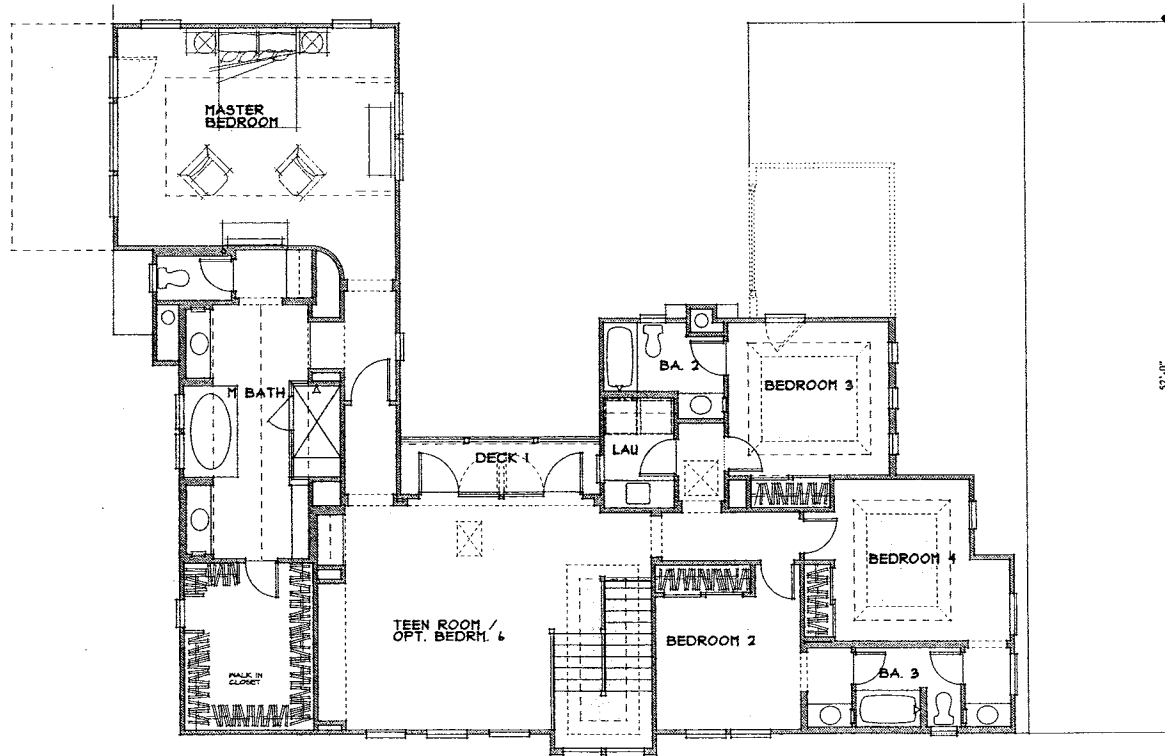


Exhibit 4-19
Plan 6'
Floor Plans

THE RIDGE
City of Huntington Beach



HEARTH-SIDE HOMES

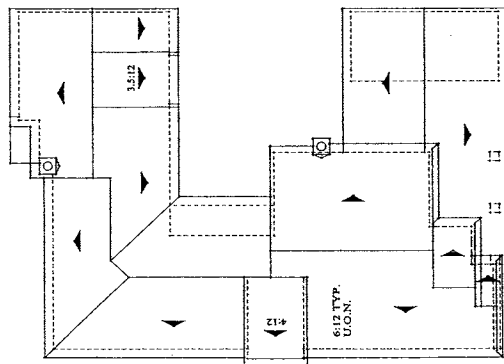
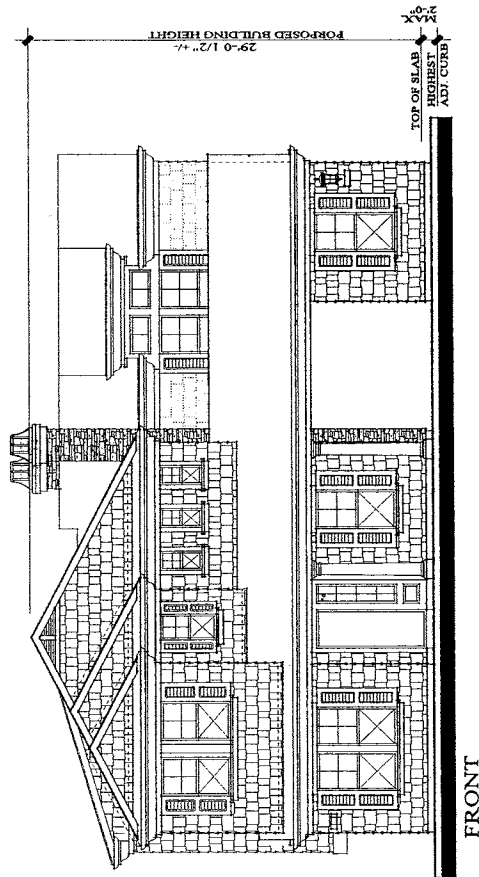


EXHIBIT CONSULTING INC.
10000 WILSON BLVD.
SUITE 100
HUNTINGTON BEACH, CA 92646

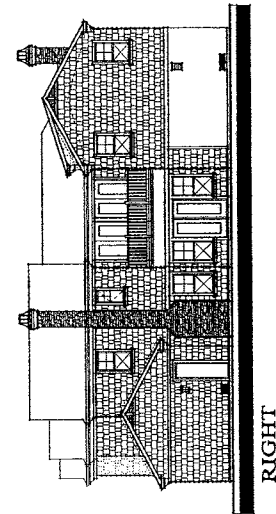


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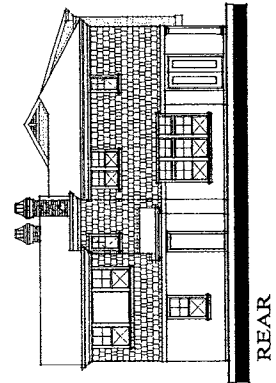
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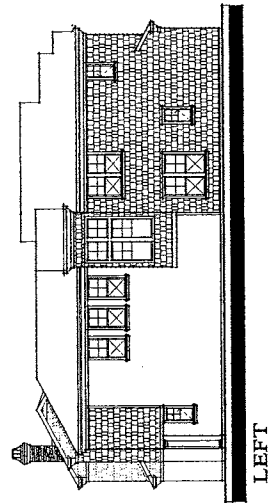
ROOF PLAN



RIGHT



REAR



LEFT

PLAN 6A
THE RIDGE
 HUNTINGTON BEACH, CA
 HEARTH-SIDE HOMES

THE RIDGE
 City of Huntington Beach



HEARTH-SIDE HOMES

Exhibit 4-20
 Plan 6A
 Elevations



BASSENAN
 LACONI



CLARKE CONSULTING INC.
 15300 PACIFIC AVE.
 KEMP, CA 92546
 TEL: 951-261-1111

FORMA
 2009-03-07

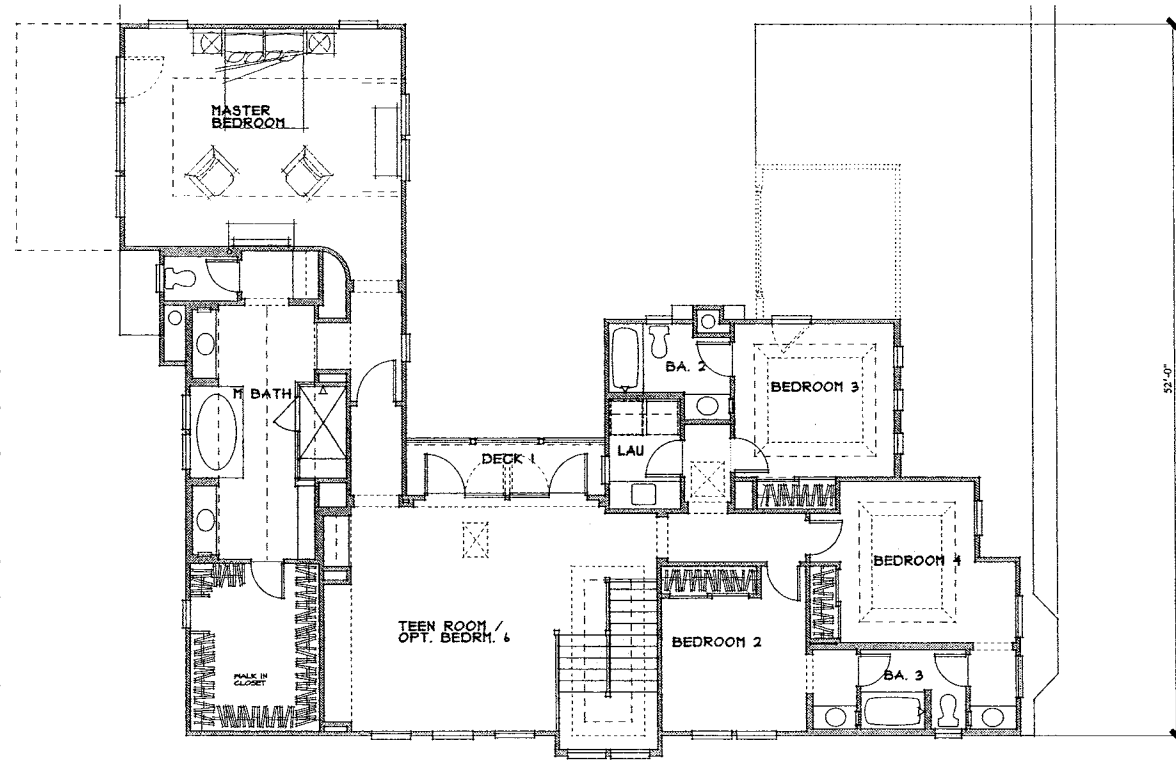
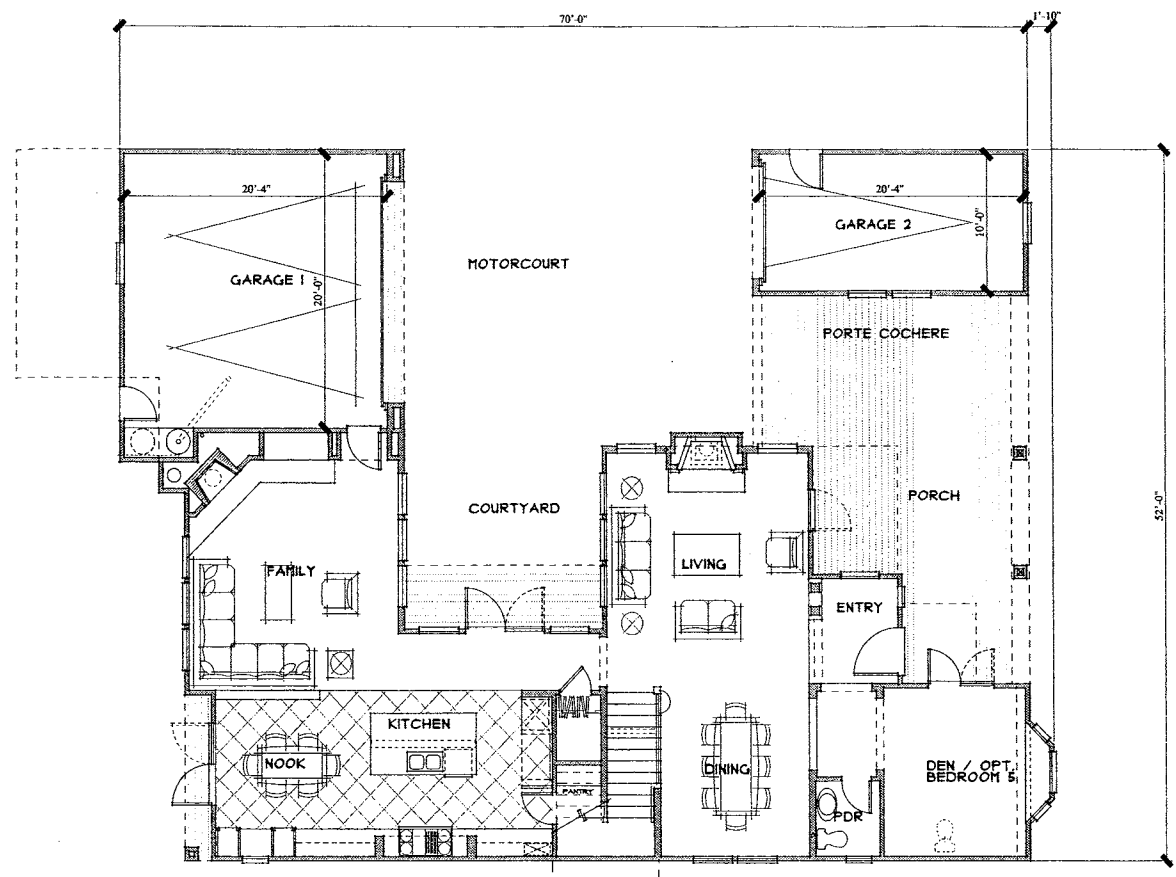
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PLAN 6AX • 3,559 SQ. FT.

■ THE RIDGE ■

HUNTINGTON BEACH, CA

HEARTHSTONE HOMES



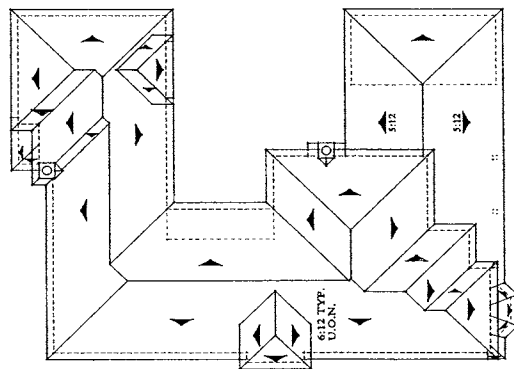
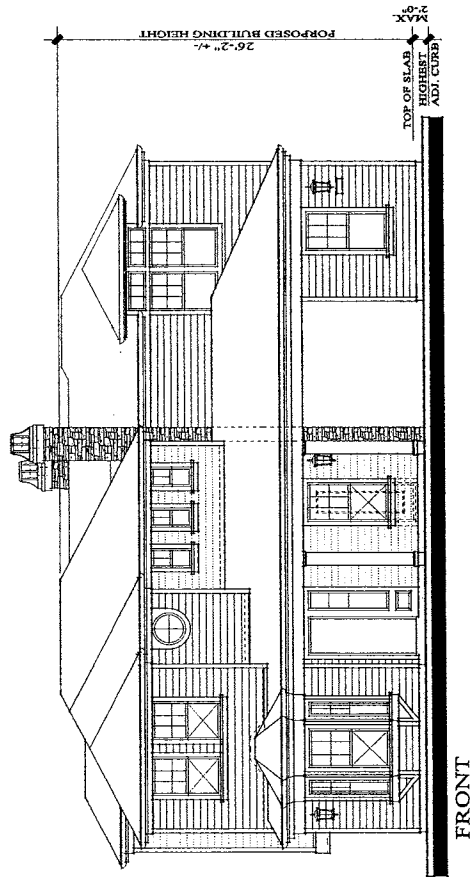
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THE RIDGE
City of Huntington Beach

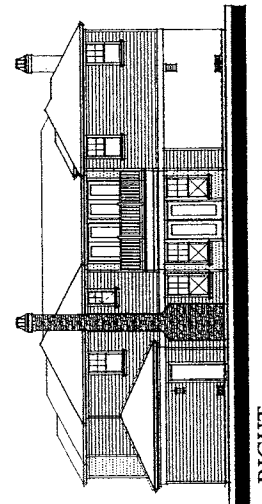
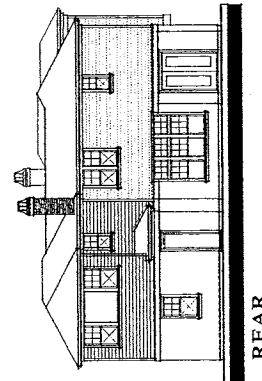
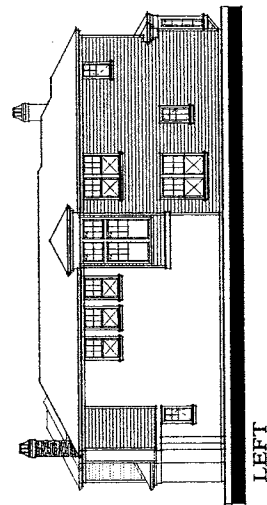


Exhibit 4-21
Plan 6A
Floor Plans

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ROOF PLAN



PLAN 6AX
THE RIDGE
HUNTINGTON BEACH, CA
HEARTHSIDE HOMES

THE RIDGE
City of Huntington Beach



HEARTHSIDES HOMES



BASSENIAN
LAONI



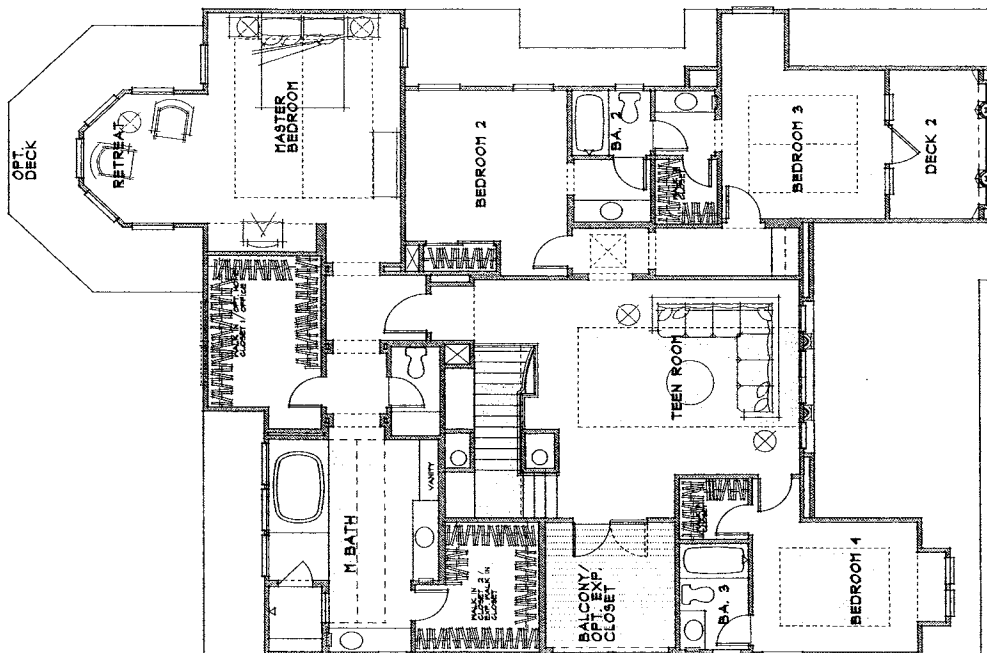
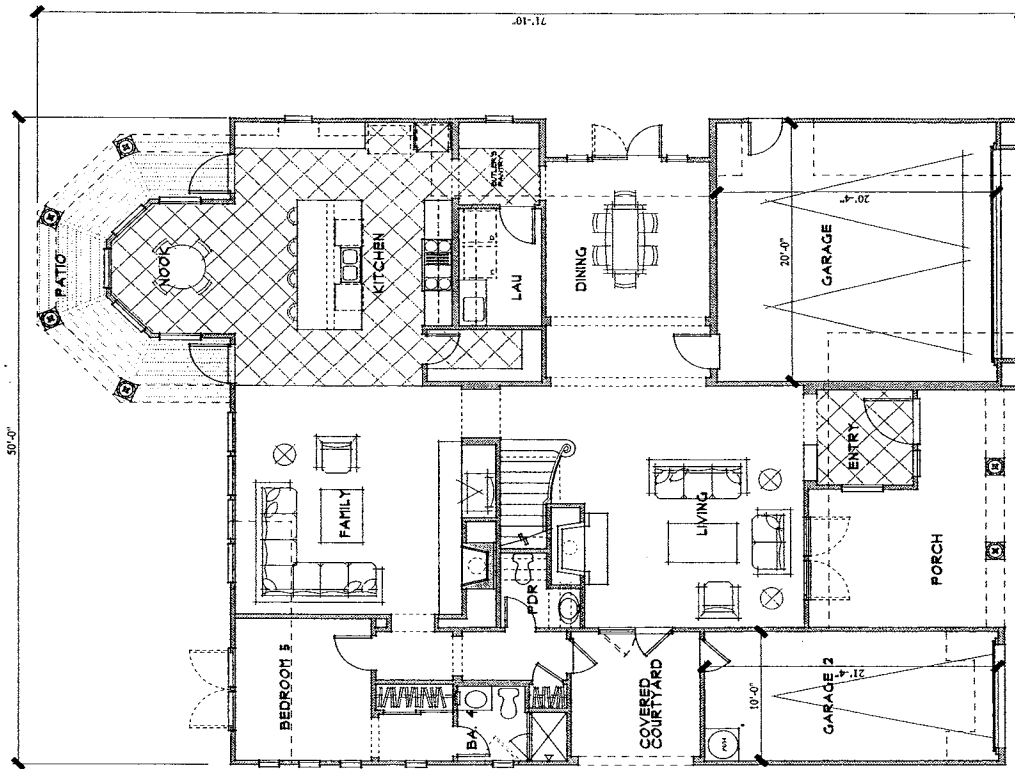
EVEREST CONSTRUCTION INC.
12700 EVERETT AVE
HUNTINGTON BEACH, CA 92646
TEL: 714.360.1000

FORMA
2009-03-07

ATTACHMENT NO. 10.34

Exhibit 4-22
Plan 6AX
Elevations

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PLAN 7AX • 3,984 SQ. FT.

■ **THE RIDGE** ■
HUNTINGTON BEACH, CA
HEARTHSIDE HOMES

THE RIDGE
City of Huntington Beach



NTS

BASSENIAN
LACON

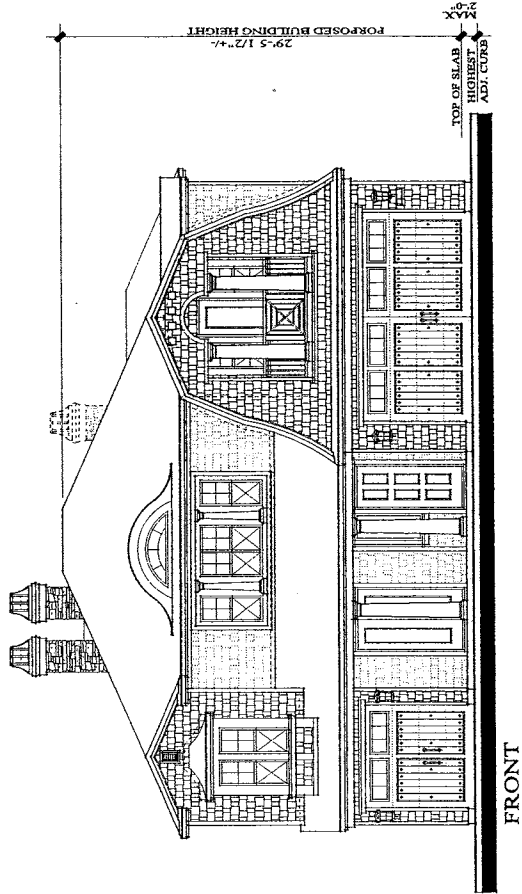
CHARTER ASSOCIATES INC.
11200 WILLOW CREEK DRIVE
HUNTINGTON BEACH, CA 92646
949.427.1000

FORMA
2009-03-07

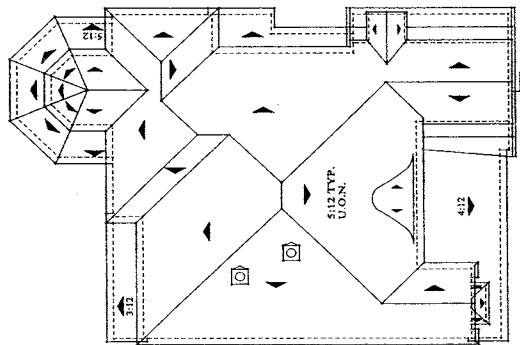
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Exhibit 4-23
Plan 7A
Floor Plans

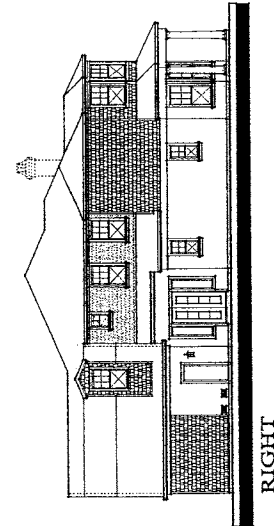
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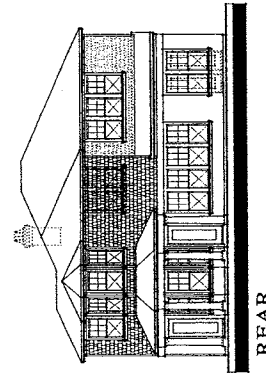
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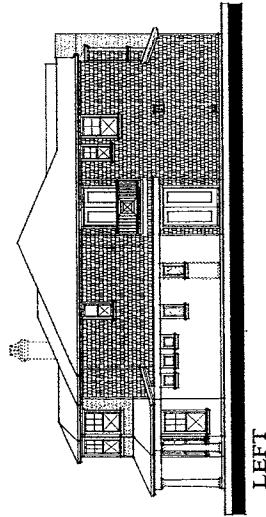
ROOF PLAN



RIGHT



REAR



LEFT

PLAN 7AX
THE RIDGE
HUNTINGTON BEACH, CA
HEARTHSIDE HOMES

THE RIDGE
City of Huntington Beach



HEARTHSIDE HOMES

NTS

BASSENIAN
LACONI



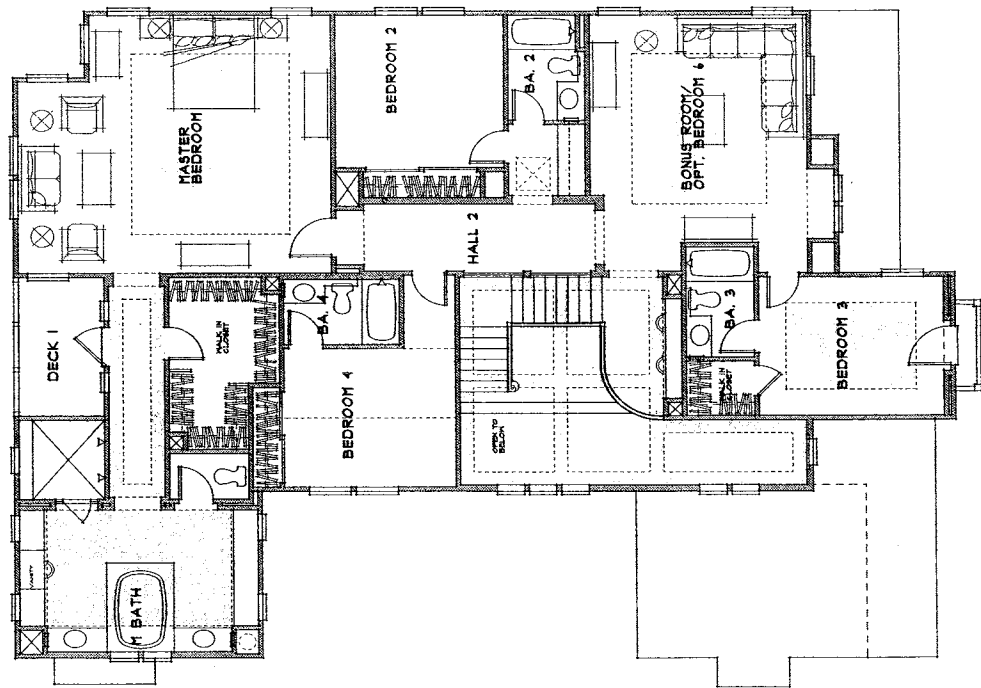
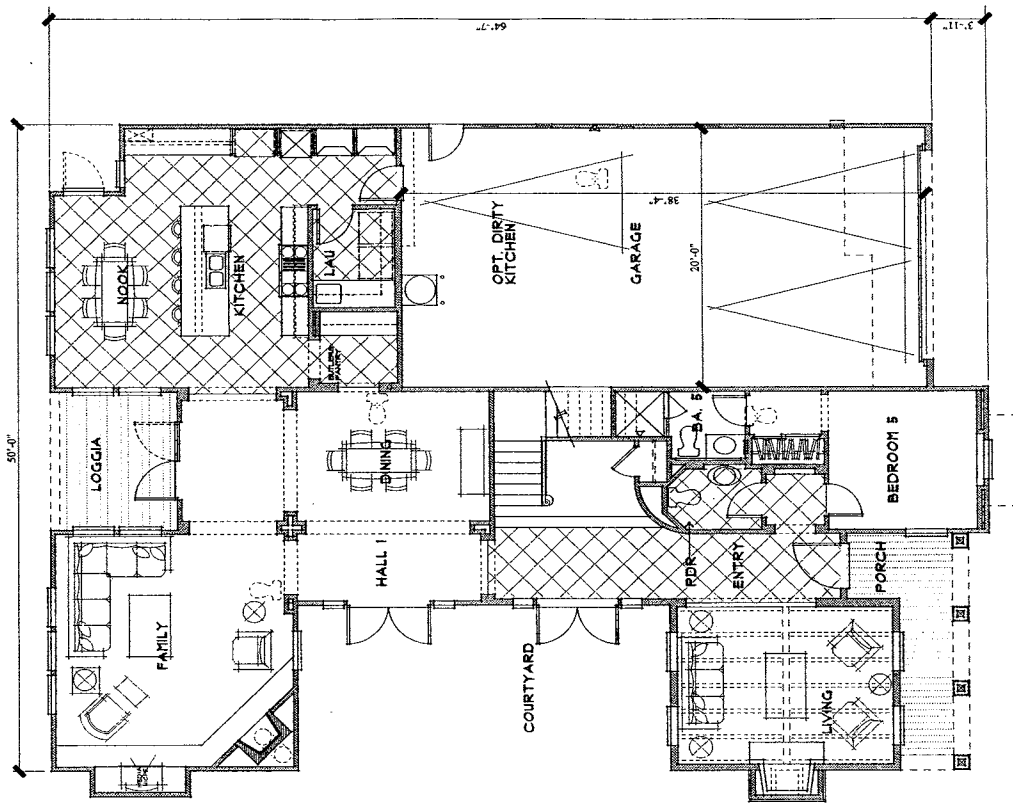
FORM
2009-03-07

FORM
2009-03-07

ATTACHMENT NO. 10.36

Exhibit 4-24
Plan 7AX
Elevations

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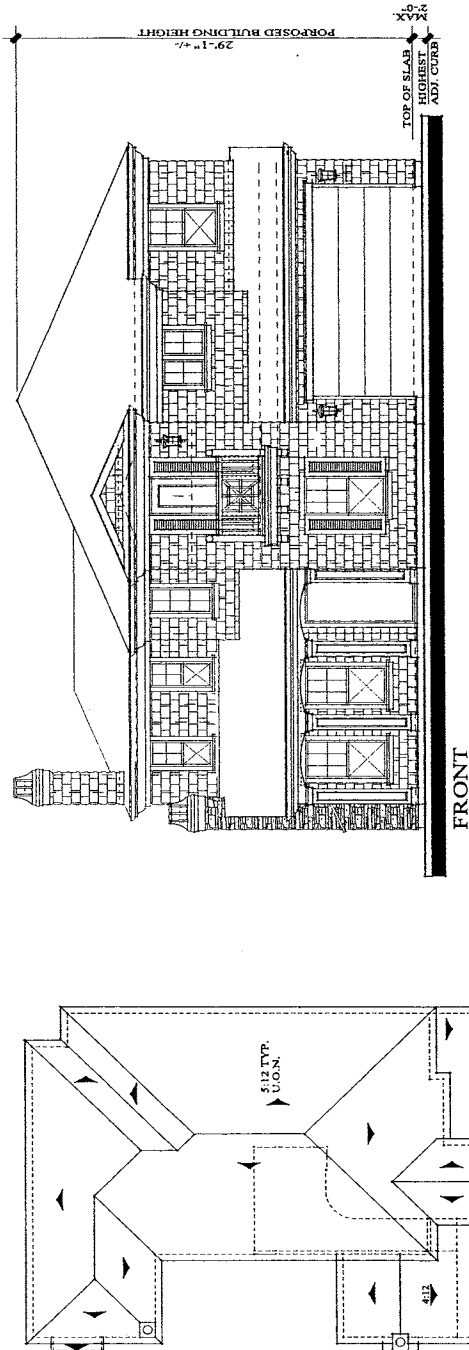
PLAN 8A • 4,097 SQ. FT.
■ THE RIDGE ■
HUNTINGTON BEACH, CA
HEARTH-SIDE HOMES

THE RIDGE
City of Huntington Beach

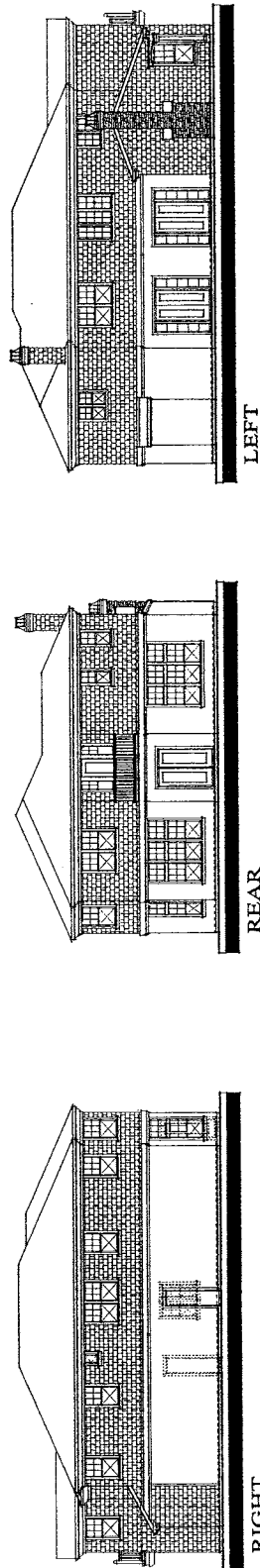
Exhibit 4-25
Plan 8
Floor Plans



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ROOF PLAN



PLAN 8A
THE RIDGE
HUNTINGTON BEACH, CA
HEARTHSIDE HOMES

THE RIDGE
City of Huntington Beach

Exhibit 4-26
Plan 8A
Elevations



HEARTHSIDE HOMES



NTS



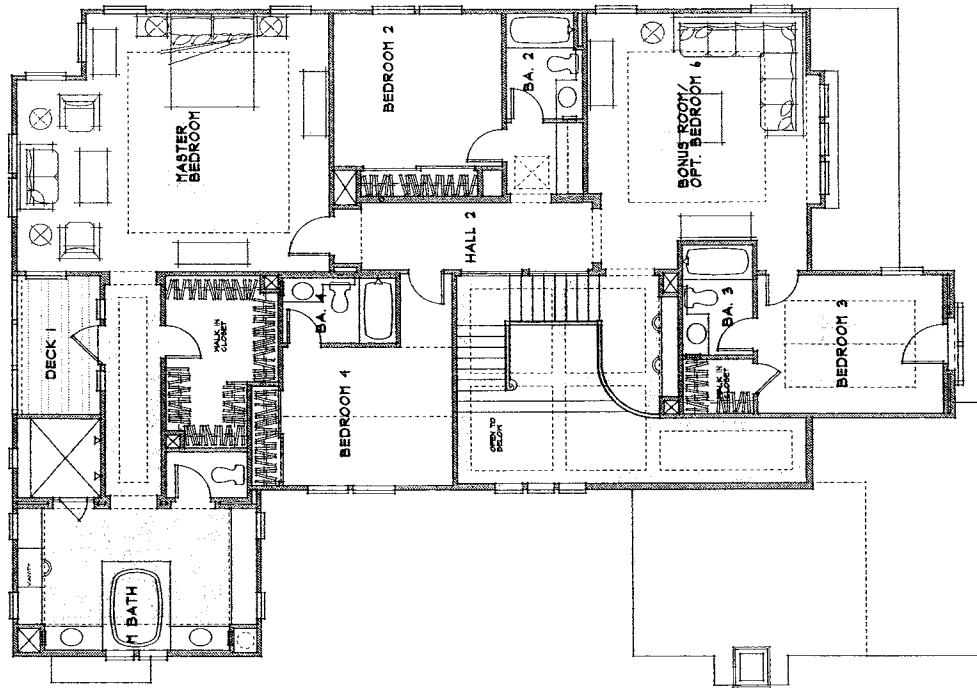
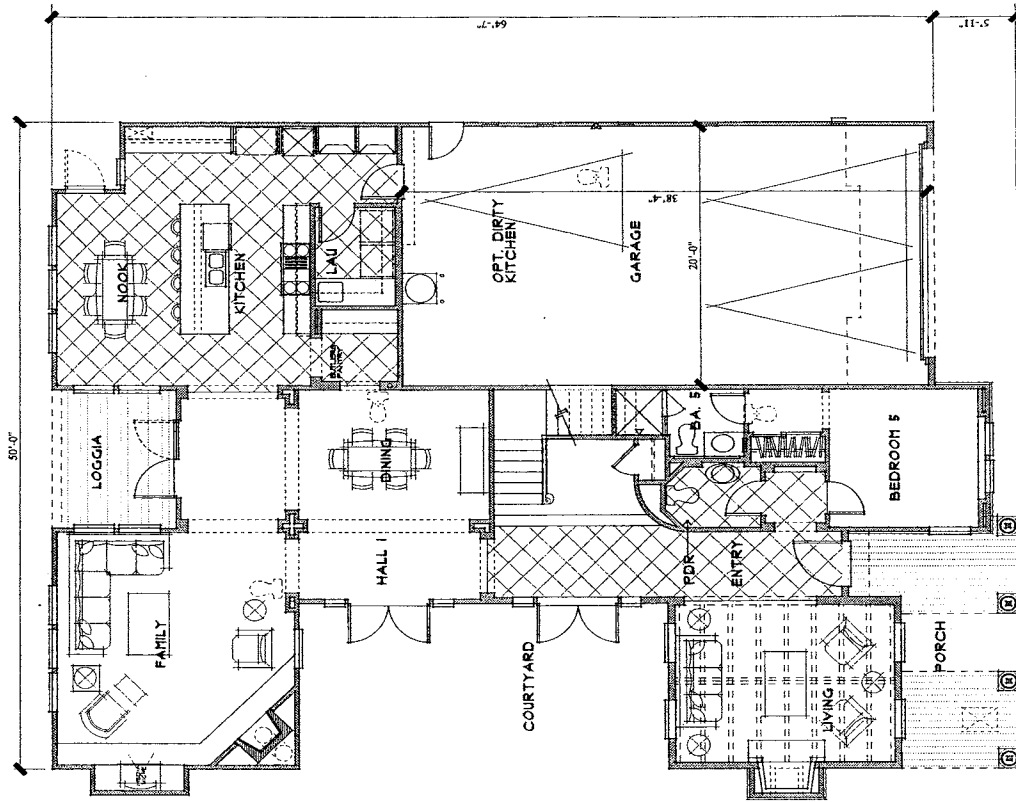
EQUATE CONSULTING INC.
11100-100000 AND
11100-100000
11100-100000



2009-03-07

ATTACHMENT NO. 10.38 4-28

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PLAN 8AX • 4,094 SQ. FT.
THE RIDGE
 HUNTINGTON BEACH, CA
 HEARTHSTONE HOMES

THE RIDGE
 City of Huntington Beach

Exhibit 4-27
 Plan 8A
 Floor Plans



HEARTHSTONE HOMES

NTS

BASSENIAN
 LACONI



SHAWNEE CONSULTING INC.
 11100 WILSON ROAD
 WILSON, CA 90714
 909-261-0001

FORMA
 2009-03-07

ATTACHMENT NO. 10.39

THE RIDGE
City of Huntington Beach

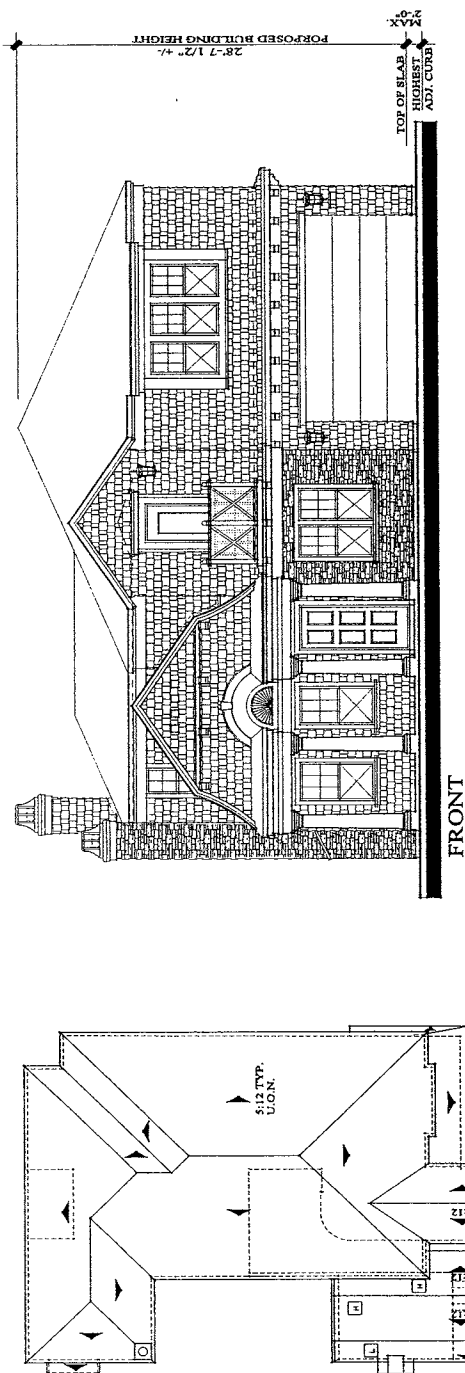
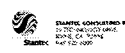


HEARTHSIDE HOMES

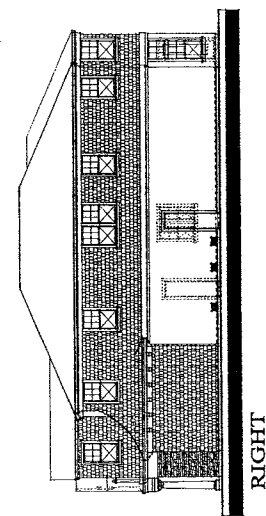
Exhibit 4-28
Plan 8AX
Elevations

ATTACHMENT NO. 10.40

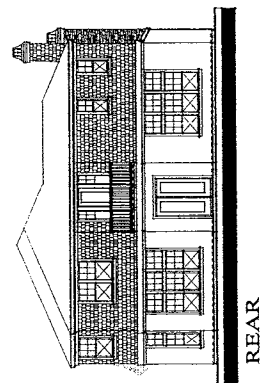
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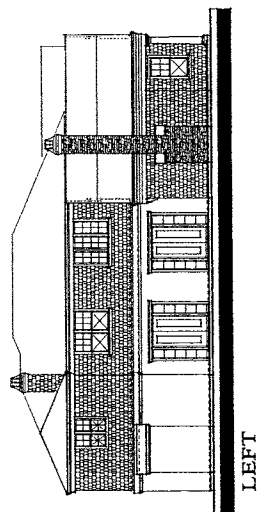
ROOF PLAN



RIGHT



REAR

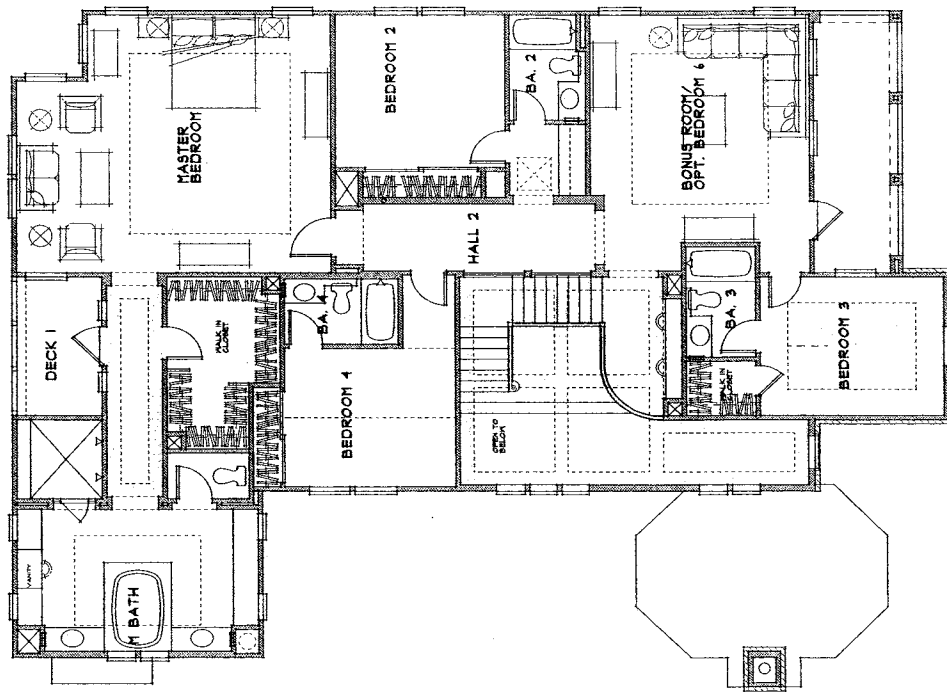
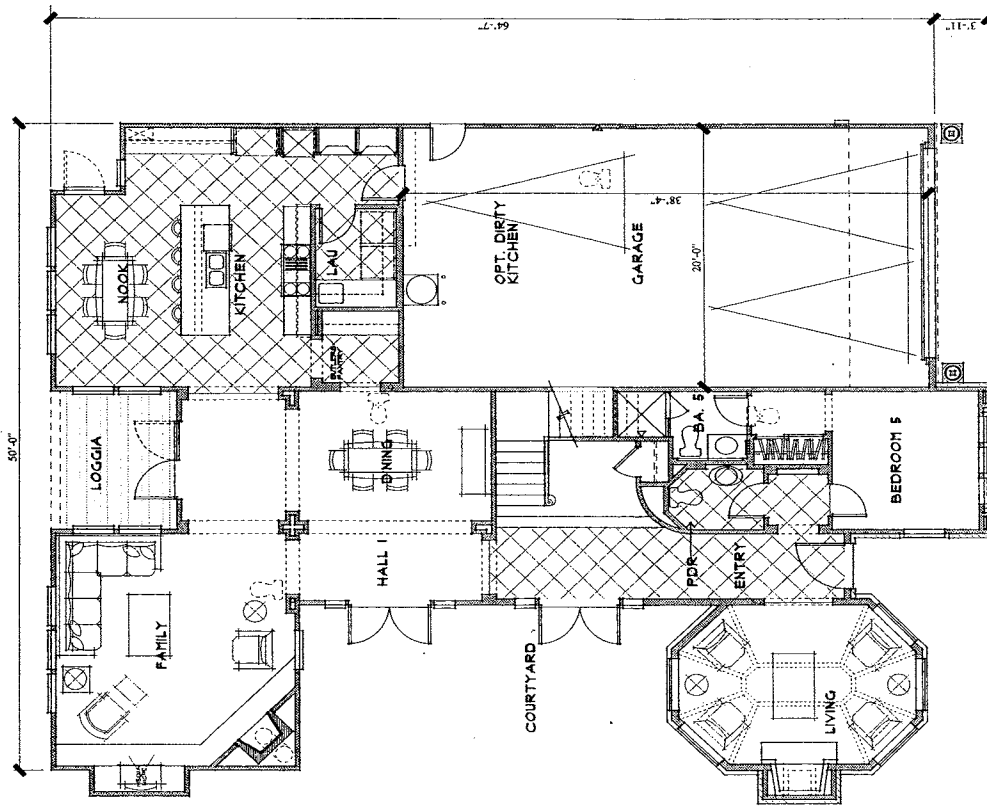


LEFT

PLAN 8AX
THE RIDGE
HUNTINGTON BEACH, CA
HEARTSIDE HOMES

PLAN 8AX

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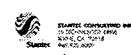


PLAN 8D • 4,076 SQ. FT.
THE RIDGE
 HUNTINGTON BEACH, CA
 HEARTSIDE HOMES

THE RIDGE
 City of Huntington Beach



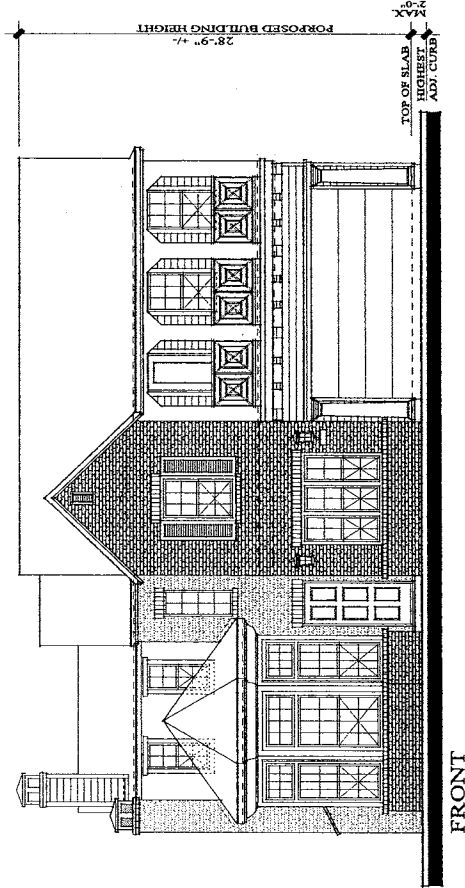
HEARTSIDE HOMES



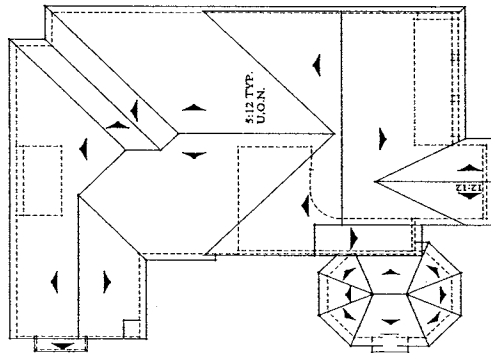
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Exhibit 4-29
 Plan 8
 Floor Plans

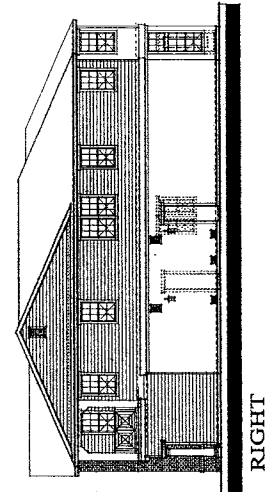
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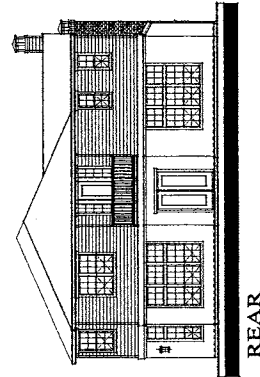
FRONT



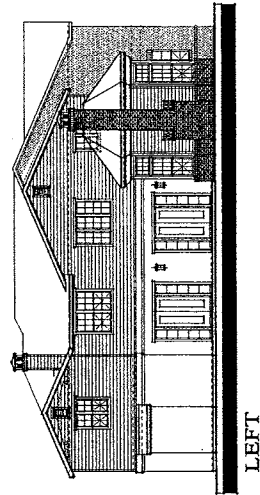
ROOF PLAN



RIGHT



REAR



LEFT

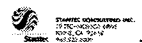
PLAN 8D
THE RIDGE
HUNTINGTON BEACH, CA
HEARTHSIDE HOMES

THE RIDGE
City of Huntington Beach



HEARTHSIDE HOMES

Exhibit 4-30
Plan 8D
Elevations



ATTACHMENT NO. 10.42

